Ex Libris
ALEXANDER
FREDERICK
REICHMANN

Westmar College Library
Le Mars, Iowa

Presented by

Alexander F. Reichmann

POLITICS

Digitized by the Internet Archive
in 2024

https://archive.org/details/politicsbyheinri0001unse

POLITICS

BY

HEINRICH VON TREITSCHKE

TRANSLATED FROM THE GERMAN BY
BLANCHE DUGDALE & TORBEN DE BILLE
WITH AN INTRODUCTION BY THE

RT. HON. ARTHUR JAMES BALFOUR
M.A., F.R.S., LL.D., D.C.L.

AND A FOREWORD BY

A. LAWRENCE LOWELL
PRESIDENT OF HARVARD UNIVERSITY

IN TWO VOLUMES

VOL. I

COLLEGE
DE FRANCE

NEW YORK
THE MACMILLAN COMPANY
1916

33
83

320
F78
v.1

18543

CONTENTS

PAGE

INTRODUCTION vii

AUTHOR'S PREFACE xxix

FOREWORD xliii

FIRST BOOK

THE NATURE OF THE STATE

I. THE STATE IDEA 3

II. THE AIM OF THE STATE 60

III. THE STATE IN RELATION TO THE MORAL LAW . 81

IV. THE RISE AND FALL OF STATES . . . 107

V. GOVERNMENT AND THE GOVERNED . . . 134

SECOND BOOK

THE SOCIAL FOUNDATIONS OF THE STATE

VI. LAND AND PEOPLE 199

VII. THE FAMILY 234

VIII. RACES, TRIBES, AND NATIONS . . . 270

IX. CASTES, ESTATES, CLASSES 303

X. RELIGION 323

XI. NATIONAL EDUCATION 362

XII. POLITICAL ECONOMY 388

than of those expounded in these volumes. They could not have been written before 1870. Nothing quite like them will be written after 1917. They bear somewhat the same relation to Bismarck as Machiavelli's Prince bears to Caesar Borgia:—though no one would put Treitschke on a level with Machiavelli, or Borgia on a level with Bismarck.

Their author, born in 1834, and twenty-seven when William I. became King of Prussia, with Bismarck as his Minister, is thus qualified by age to represent the generation which, in its youth, sought in 'Liberal principles' the means of furthering its national ideals; found them utterly impotent and ineffectual; and welcomed with patriotic fervour the Bismarckian policy of 'blood and iron.'

It is permissible to conjecture that if the political creed of Treitschke's youth had borne the practical fruit which he so passionately desired, the subsequent history of the world would have been wholly different. If 'Liberalism,' in the continental sense,[1]

[1] It is hardly necessary to observe that I use the words 'Liberal principles' and 'Liberalism' in their continental, not in their British, meaning. We borrowed them from abroad, and have used them to designate a particular party, or, rather, a particular section of a par-

had given Germany empire and power, militarism would never have grown to its present exorbitant proportions. The greatest tragedy of modern times is that she owes her unity and her greatness not to the free play of public opinion acting through constitutional machinery, but to the unscrupulous genius of one great man, who found in the Prussian monarchy, and the Prussian military system, fitting instruments for securing German ideals.

The main interest then of these lectures to me, and perhaps to others, lies in the fact that they represent the mature thought of a vigorous personality, who, in early manhood, saw the war with Denmark, the war with Austria, and the war with France, create, in violation of all 'Liberal' principles, that German Empire for which German Liberals had vainly striven. War, it was evident, could be both glorious and cheap; absolute monarchy had shown itself the only effective instrument for national self-realisation; a diplomatic and military policy, carried through in defiance of public opinion,

---

ticular party, But 'Liberalism' as used in its original home is a name for principles of constitutional liberty and representative Government, which have long been the common property of all parties throughout the English-speaking portions of the world.

had performed in months what generations of debaters had been unable to accomplish.

It is useless, of course, to look for impartiality in the political speculations born under such conditions. Forty or fifty years ago the ordinary British reader sought in German historical research a refuge from the party bias so common among British historians. Hume, Lingard, Alison, Macaulay, Carlyle, Froude, Freeman, all in their several ways looked at their selected periods through glasses coloured by their own political or theological predilections. Mitford and Grote carried their modern prejudices into their pictures of classical antiquity. But the German historian, though his true course might perhaps be deflected by some over-ingenious speculation, was free (we supposed) from these cruder and more human sources of error. He might be dull, but he was at least impartial. With the development of German unity, however, German impartiality vanished. To Ranke succeeded Von Sybel and Mommsen. Political detachment could no longer be looked for; learning was yoked to politics; and history was written with a purpose. In no one does this patriotic prejudice produce more

curious results than in Treitschke. His loves and his hates, his hopes and his fears, his praise and his blame, his philosophic theories, his practical suggestions, all draw their life from the conviction that German greatness was due to her military system, that her military system was the creation of Prussia, and that Prussia was the creation of Hohenzollern absolutism.

Consider, for example, his abstract theory of the State which colours all his more important political speculation. An English writer who wished to set forth his views on Education, Local Government, Military Organisation, and so forth, might perhaps regard an abstract theory of the State as a superfluous luxury. But then, as Treitschke explains in another connection, the English are shallow, and the Germans profound, so that this difference of treatment is natural; and certainly the English reader has no ground for regretting it. For though the theory itself is neither very profound, nor, indeed, very coherent; though its appeals to history are unconvincing; it gives the key to all that follows; it explains and justifies modern Germany. The State, says Treitschke, is Power. So unusual is its

power that it has no power to limit its power; hence no Treaty, when it becomes inconvenient, can be binding; hence the very notion of general arbitration is absurd; hence war is part of the Divine order. Small States must be contemptible because they must be weak; success is the test of merit; power is its reward; and all nations get what they deserve.

A theory of politics entirely governed by patriotic passion is not likely to be either very impartial or very profound. Even the most dexterous literary treatment could hardly hide its inherent narrowness. But Treitschke, to do him justice, attempts no disguises. He airs his prejudices with a naïveté truly amazing. I will not say that he wanted humour. Many things struck him as exquisitely comic;—small States, for example, and the Dutch language. He occasionally enlivened his lectures, we are told, by a satirical imitation of a British 'hurrah.' He clearly, therefore, possessed his own sense of fun, yet he remained sadly lacking in that prophylactic humour which protects its possessor against certain forms of extravagance and absurdity.

In nothing does this come out more

clearly than in his excessive laudation of his own countrymen, and his not less excessive depreciation of everybody else. Partly no doubt this was done for a purpose. He had formed the opinion, rather surprising to a foreigner, that the Germans, as a nation, are unduly diffident;—always in danger of "enervating their nationality through possessing too little rugged national pride."[1] It must be owned that very little of this weakness is likely to remain in any German who takes Treitschke seriously. Nevertheless, it should have been possible to explain to the German people how much better they are than the rest of the world without pouring crude abuse upon every other nation. If the German be indeed deficient in 'rugged pride,' by all means tell him what a fine fellow he really is. But why spoil the compliment by lowering the standard of comparison? It may, for example, be judicious to encourage the too diffident Prussians by assuring them that they "are by their character more reasonable and more free than Frenchmen."[2] But when the Prussian reader discovers that in Treitschke's opinion the French are excessively unreasonable and

[1] I. 19-20. [2] I. 66.

quite incapable of freedom the effect is marred. If, again, it be needful to remind the Germans of their peculiar sensibility to the beauties of Nature, is it necessary to emphasise their superiority by explaining that when resting in a forest they lie upon their backs, while the Latin races, less happily endowed, repose upon their stomachs?[1]

Inordinate self-esteem may be a very agreeable quality. Those who possess it are often endowed with an imperturbable complacency which softens social intercourse, and is not inconsistent with some kindly feeling towards those whom they deem to be their inferiors. But it must be acknowledged that with Treitschke this quality does not appear in its most agreeable form. With him it is censorious, and full of suspicion. Unlike Charity it greatly vaunteth itself; unlike Charity it thinketh all evil. Rare indeed are the references to other nations which do not hold them up to hatred or contempt. America, France, Austria, Spain, Russia, Britain are in turn required to supply the sombre background against which the virtues of Germany shine forth with peculiar lustre. The Dutch, we are

[1] I. 206.

told, have "deteriorated morally and physically."[1] Americans are mere money-grabbers. The Russians are barbarians. The Latin races are degenerate. The English have lost such poor virtues as they once possessed; while their "want of chivalry" shocks the "simple fidelity of the German nature."[2] Cannot the subjects of the Kaiser realise "the simple fidelity of their German nature" without being reminded how forcibly that "simple fidelity" is impressed by "the want of chivalry in the English character"? But, when Treitschke allows his statements of fact and his moral judgment to be violently distorted by national prejudice, his errors become more serious. We need not quarrel over these opinions. They are made by a German for Germans, and doubtless they suit their market.

Nor do I here refer to his wider generalisations, though I often disagree with him. I think, for example, that he exaggerates the absorption of the individual by the community in the city States of antiquity; and his classification of various forms of government has not much to recommend it. On such questions, however, judgments may

[1] I. 50. [2] II. 395.

differ, but what are we to say of the misstatements of bare historical fact in which he indulges without scruple? Some of these no doubt are mere slips, as, for example, when he places the activities of Titus Oates in the reign of James II.[1]; others are unimportant exhibitions of ignorance, as when he assures his readers that in England there are no Crown lands[2]; others, again, are mere exercises of the imagination, as when he tells us that, "after Henry the VIII.'s hymeneal prodigies, it was enacted by Parliament that its assent was necessary to the validity of any Royal marriage."[3]

These blunders are presumably due to want of memory or want of care. But others are the offspring of invincible prejudice. When he tells us that England "turns a deaf ear on principle to generous ideas,"[4] the judgment may to an Englishman appear absurd, and, in the mouth of a German, even impudent. Yet it must to a certain extent be a matter of opinion. Character cannot be tested in retorts or weighed in balances. But what excuse can there be for such a particular historical statement as that "England's first thought

[1] II. 473. [2] II. 490. [3] II. 165. [4] II. 614.

in abolishing slavery was the destruction of Colonial competition,"[1] for there was not, and could not be, any possible competition between British manufacturers and the producers of slave-grown sugar, so that the charge is not even plausible.

Again, there is something peculiarly absurd in the statement that "no sooner had the French Revolution broken out than Pitt eagerly began to urge a reform of the Franchise."[2] This is not merely a mis-statement of fact. It is a mis-statement of fact which shows an utter want of comprehension of English political history at the period referred to. There is no reason why even a Professor of Modern History at the University of Berlin should know the details of Pitt's abortive efforts at Parliamentary reform; but he ought to know enough of the subject to prevent him mistaking the whole significance of the facts to which he refers. Treitschke's blunder is not merely one of chronology; it shows a complete misapprehension of the true relations between the French Revolution and English constitutional development. So far from the outbreak of the French Revolution having

[1] I. 162. [2] II. 157.

inspired Pitt to attempt Parliamentary reform, it put a sudden and violent stop to a repetition of the efforts he had already made. In other countries the spirit of the French Revolution may have stimulated political development. In Britain its excesses killed political development for a generation.

One more example of Treitschke's extraordinary carelessness I will give, because it illustrates his shortcomings as a student of Comparative Politics. He is drawing a parallel between the German and the British methods of settling the relations between executive authority and the rights of individual citizens. He acknowledges that in Germany magistrates and police possess powers far in excess of those possessed by the corresponding authorities in Britain; he acknowledges that these powers may be abused. But this, he argues, is the least of two evils. The British system would, in his judgment, be quite unworkable if it could not be immediately suspended in case of emergency. England, he tells his hearers, is continually proclaiming Martial Law; according to him no year passes without the Riot Act being read[1]; and when the Riot

[1] I. 157.

Act is read he supposes the whole machinery of ordinary law to be put out of gear. This, it need hardly be observed, is nonsense from beginning to end. Martial Law is never proclaimed; many years pass without the Riot Act being read; and when the Riot Act is read, the machinery of law is neither stopped, nor in the slightest degree interfered with.[1]

Abuse of Britain, Holland, and America, contemptuous references to the Latin nations, extravagant laudations of everything German (except indeed the small Courts of Germany), still more extravagant laudations of everything Prussian, and, particularly, the Prussian Monarchy, are but the setting intended to throw into high relief his own national ideals. We are all familiar with the stock character in fiction of the *nouveau riche,* who is at once justly proud of having made his own fortune, and bitterly contemptuous of those who have inherited theirs. They are, in his eyes, weak, degenerate, and incompetent, unworthy of the fortunes which ancestral energy, or ancestral luck, has conferred upon them. But in the

[1] This Introduction is by no means intended as a Review of Treitschke's Lectures, and this list of inaccuracies, drawn entirely from Treitschke's references to England, has no pretensions to be complete.

very midst of his envious indignation, he cannot shake off the ambition to follow in their steps; he must imitate those whom he affects to despise.

I do not know whether there is anything in real life corresponding to this fancy picture; but in the commonwealth of nations the part is aptly played by the German Empire as Treitschke would have it. Consider, for example, his views on colonisation. It is not easy to see why colonial possessions appeal so strongly to his imagination; for he dislikes new countries almost more than he dislikes every old country except Germany. The notion, for example, that the culture of the new world can ever rival the culture of the old seems to him absurd. He observes, though not in these lectures, that a German who goes to the United States is "lost to civilisation"—an amiable sentiment which seems hardly consistent with the passion for acquiring new countries. But the real reason for these ambitions becomes plain on further examination. While Germany was in the throes of the Thirty Years' War, or slowly recovering from its effects, England, the detested rival, was laying the foundations of

the English-speaking communities beyond the seas; and while Frederick the Great was robbing his neighbours, and his successors were struggling with the forces let loose by the French Revolution, the hold of English-speaking peoples upon regions outside Europe increased and strengthened.

This was quite enough for Treitschke. What Britain had must be worth having. If there was something worth having and Germany had it not, this must be due to the bad luck which sometimes pursues even the most deserving. If Germany had it not and England had it, this must be due to the good luck which sometimes befalls even the most incompetent. But such inequalities are not to be tolerated. They must be redressed, if need be by force. The "outcome (he tells us) of our next successful war must be the acquisition of Colonies by any possible means."[1]

It would seem, however, that Treitschke was dimly aware that even to a German audience such a doctrine might seem a trifle cynical. He therefore advances a subtler motive for these colonial ambitions. Germany, he tells us, should bear a part in the

[1] I. 119.

improvement of inferior races. She should become a pioneer of civilisation in savage lands. To outside observers, indeed, it does not appear that either the practice of his countrymen, or his own theories, suggest that Germany has any particular qualifications for this missionary enterprise. What is likely to be the fate of coloured races under German domination, when men like Treitschke frankly avow that "in Livonia and Kurland there is no other course open to us (the Germans) but to keep the subject races in as uncivilised a condition as possible, and thus prevent them becoming a danger to the handful of their conquerors."[1]

Here we come back to the fundamental thought of Treitschke, the State as Will to Power, and to his patriotic corollary that a Prussianised Germany under a Hohenzollern dynasty should enable that thought to be realised. In supporting this view there is no extravagance, historical or moral, from which he shrinks. He tells us, for example, that Frederick the Great was the "greatest King who ever reigned on earth."[2] He accordingly finds in him the most unexpected virtues. Frederick's dominating

[1] I. 122. [2] II. 68.

motive towards the end of his life was, it seems, "the desire to execute ideal justice."[1] A noble desire truly; but surely not one which would find any sufficient satisfaction in the first partition of Poland. Do you ask the reason for this extravagance of laudation? The answer is that Frederick was the greatest of the Hohenzollerns, that the Hohenzollerns created the Prussian State and the Prussian Army, that the Prussian State and the Prussian Army created Germany. Treitschke positively gloats over Prussian supremacy. "The Will of the German Empire," he observes, "must in the last resort be the will of Prussia."[2] All small States are ridiculous, but the most ridiculous of small States are the Kingdoms of Bavaria, Saxony, and Würtemberg. "The German Army, not the German Parliament, is in Germany the real and effective bond of national union."[3] And the German Army is a Prussian creation.

He does not, of course, pretend that a Hohenzollern can do no wrong. He goes the length, indeed, of accusing one of them, Frederick William IV., of "deadly

[1] II. 69. [2] II. 375. [3] II. 390.

crime."[1] And what was this deadly crime? It was, that after sending in troops to assist the Kings of Bavaria and Saxony to restore order, he withdrew them without destroying the independence of the States he had gone to protect. He behaved like a gentleman, but he sinned against the law of force.

But in spite of this lapse from patriotic virtue, and notwithstanding that it is difficult to say much in favour of any of Frederick the Great's successors until we come to William I., Treitschke holds firmly to the belief that the Prussian Monarchy is a thing apart, and that Hohenzollern royalty is not as other royalties. Sometimes, indeed, this sentiment shows itself in a somewhat ludicrous fashion. For example, Treitschke vigorously defends the use of classical studies in the education of youth. There is no way, according to him, in which intellect and taste can be more successfully developed than by a thorough study of Greek and Latin.[2] So far, so good. But a little further on the lecturer has to deal not with the education of ordinary mankind, but with that of a German Prince, and we find to our

[1] I. 95. [2] I. 375.

surprise that in the case of a German Prince the marvellous advantages of classical study are quite unnecessary. He must learn French and English. Why should he do more? "Why on earth should he be bothered with Latin, let alone Greek?"[1] We rub our eyes and ask what this outburst can mean. Are intellect and taste of no value to a German prince? Or is a German prince privileged by the Grace of God to acquire these gifts without education, or by an education inapplicable to the common herd? We may be sure that none of these alternatives represent Treitschke's considered views. I hazard another guess. I suggest that the lecturer must have known some young Hohenzollern Prince well acquainted with modern languages, but with no pretensions to classical scholarship.

From these brief criticisms the reader will be able to form some conjecture as to what he may expect to find in the following pages. He will find many acute observations forcibly expressed, and presumably accurate, upon German history, contemporary and recent. He will find many observations forcibly

[1] II. 72.

expressed, but certainly inaccurate, upon foreign history, contemporary and recent. He will throughout find himself in the presence of a vigorous personality, with clear-cut views about the future of his country and the methods whereby they are to be realised, but he will not find breadth of view, generous sympathies, or systematic thought. In Treitschke there is nothing profound, and his political speculations are held together not so much by consistent thought as by the binding power of one ruling passion.

The result is curiously interesting. Treitschke was a man of wide, although not apparently of very accurate, knowledge. Fragments of Christianity, of Ethics, of Liberalism, are casually embedded in the concrete blocks out of which he has built his political system; but they are foreign bodies which do nothing to strengthen the structure. Power based on war is his ideal, and the verdict of war not only *must* be accepted, but *ought* to be accepted. The sentimentalist may regret that Athens fell before Sparta, that Florence dwindled before Venice, but the wise man knows better. Art and imagination do not contribute to

Power, and it is only Power that counts. On it everything is based, by it everything is justified. It even supplies a short cut to conclusions which reason may hesitate to adopt. It required, as Treitschke observes, the battlefields of Bohemia and the Main to 'convince' the German people that Prussia should control their destinies.[1]

It is not surprising that a man who held these views should regard with something like disgust and dismay the attempts of well-meaning persons to bring peace on earth. The whole tribe of pacificists who would substitute arbitration for war fill him with loathing. Like them he has his ideals, but they are of a very different order. His Utopia appears to be a world in which all small States have been destroyed, and in which the large States are all either fighting, or preparing for battle. "War," he says, "will endure to the end of history. The laws of human thought and of human nature forbid any alternative, neither is one to be wished for."[2]

Deeply as he despised those who, in his own phrase, "rave about everlasting peace," there are transient moments in which he

[1] I. 66. [2] I. 65.

almost seems to fear them. Even the most robust faith will sometimes weaken; for a moment even Treitschke trembles at the thought that men may cease to cut each other's throats. "What," he pathetically asks, "if war should really disappear, and with it all movement and all growth?"[1] What if mankind should deliberately deprive itself of the one remedy for an ailing civilisation?

The thought is terrible, but, supported by religion, Treitschke's confidence remains unmoved. "Are not the great strides civilisation makes against barbarism and unreason only made actual by the sword?"[2] Does not the Bible say that "greater love hath no man than to lay down his life for his friend"? Are we then going to be seduced by the "blind worshippers of an eternal peace"?[3] No. Let us reject these unworthy thoughts: being well assured that "the God above us will see to it that war shall return again, a terrible medicine for mankind diseased."[4]

Since these lectures were delivered the longed-for medicine has been supplied in overflowing measure. Even the physician

[1] I. 68. [2] I. 65. [3] I. 65. [4] I. 69.

himself could hardly ask for more. Yet were he here to watch the application of his favourite remedy, what would he say of the patient?

A. J. B.

March 1916.

AUTHOR'S INTRODUCTION

Politics must be counted among the Arts. It moves in the world of historical facts, and is continually changing and taking new forms. Every theory must therefore remain incomplete, and there is besides another cause why unbiassed political reasoning is very difficult for us men of the present day. The life of modern peoples has a strong social tendency. Nowadays, unless a man is a Government official, he devotes most of his labour to scientific or industrial interests, and he takes no practical part in the State except by exercising his vote, or at most by administering some unpaid office.

In order to understand the dignity of the State, a modern citizen must free himself from a great many preconceived ideas. What we call political opinions are generally coloured by private interests, either social or economic.

Only in time of war does the importance of politics really come home to us. In a life of peace and quiet most people give little thought to the State, and are therefore willingly disposed to underrate it.

Just as Art and Science only renewed their truth and greatness through plunging into the life-giving streams of classical antiquity, even

so must we, abandoning the social outlook of our own time, grasp as the Ancients did the true meaning and grandeur of the State. He who wishes to gain a right conception of politics must steep himself in the spirit of the time which produced the *Politics* of Aristotle, that greatest masterpiece of political theory. In the light of its author's genius we see ourselves to be mere bunglers. We must, moreover, learn to understand the Ancients' conception of the State. In so doing we run no danger of making their mistake and overestimating the value of public life. The different circumstances of our lives prevent this, and above all that recognition of our undying personality which Christianity has brought us, through which we realise that man can never be merely a member of the State, when he is free to think as he will of God and the Kingdom of God. Being therefore without fear of lapsing into the conception which looked upon men only as citizens, we may strive to grasp that genuine theory of Politics which enabled the Ancients to deal with political problems primarily in the interest of the many, and secondly in that of the individual.

To them Politics meant simply the science of government, and they included in this both the department of political economy and of constitutional law. The task of Politics is threefold. It must first seek to discover, through contemplation of the actual body politic, what is the fundamental idea of the State. It must then consider historically what the nations have desired in their political life, what they have

created, what they have accomplished, and how they have accomplished it. This will lead on to the third object, the discovery of certain historic laws and the setting forth of some moral imperatives.

Thus understood, Politics becomes applied history. No further explanation is needed as to why it lags to-day so far behind the other sciences. The descriptive historian feels little inclination to extract a theory from his facts, and on the other hand the historical sense has penetrated slowly to the minds of jurists and philosophers. This is the reason why no work upon politics exists at present which in any degree fulfils the requirements of the historian. The best is Dahlmann's *Politics*, a book already more than fifty years behind the times. Scientific politics itself, as Bluntschli represented it, is still hampered by the old theory of Natural Law.

It was Herder who first taught the German nation to think historically. The historic sense was innate in the Greeks, and what we call doctrinairism was unknown to them. It was for this reason that the theory of politics was brought by them so early to such a height. But in contrast to the splendid bloom of this branch of knowledge we find that the attainments of the Hellenes in the region of Natural Science are quite insignificant, indeed almost childish. The explanation of this remarkable fact is that the simplest scientific experiments require instruments whose manufacture demands a high degree of technical skill. A second reason for

it lies deeper. We perceive that all noble-minded nations are, and always will be, idealistic by nature. We can recognize this character in a people when its Art develops earlier than its luxury.

The early and brilliant development of political science among the Hellenes was followed by a long period of apathy. The pure historic sense cannot flourish under a doctrine which is narrowing, be that doctrine theological or philosophic, and the whole of the Middle Ages was cramped by its theology. Men no longer investigated into the things essential to the State, but tried instead to bring it into subjection to the Church. Martin Luther broke its bonds, and men began once more to realize its sovereignty.

But immediately upon this followed the search for a Law, especially for one which should define the ethical limits of international intercourse, and this gave rise to a philosophical idea of the State, the theory of Natural Law, so-called, which was believed to exist somewhere in the universe.

The State was conceived of as conforming to this Law of Nature, and treated accordingly.

This theory was first scientifically overthrown in Germany in the seventeenth and eighteenth centuries, after Herder had pitted himself against it. Herder was unsurpassed as a stimulator of thought, and his ideas were taken up, shaped, and worked out by others. The way was opened for the historical science of Law of Eichhorn, Niebuhr, and Savigny. By them Law was

treated as a living thing, developing with the Nation's development. According to Savigny, the State is the form of political life which a people has given to itself in the course of its history.

Every living thing has its own individuality. Just as there is no such thing as language in itself, but only various concrete languages, and no religion in the abstract though positive forms of it have always existed and always will exist, and philosophic systems which have grown out of those forms, even so there is no form of government derived, as the teachers of the Natural Law would have it, by deduction from certain philosophical phrases and applicable without qualification to all conditions. Such a view as this is absolutely unhistorical, for nowhere in the whole range of history do we meet with any State whose development has been along the lines laid down in the books of the advocates of the Natural Law theory, from Grotius to Montesquieu.

Such assumptions must be once and for all dismissed. Theory must retire to the background, and must show, if it really wishes to attain positive results, how the logic of facts is exhibited in the various existing forms of State, which are even to some extent contradictory to each other. Then it will be recognized that even barbaric States generally possess those forms of government which are suited to their intellectual powers and requirements.

The unnaturalness of the Natural Law is acknowledged now by most men of science;

only the extremists, the Ultramontanes and the extreme Socialists, still hold by it. The former still take the standpoint of the Scholastics of the Middle Ages, and construct a Natural Law in favour of the Papacy. The sequence of their ideas is perfectly logical, although untroubled by scientific considerations. But in the system of the Radical Communists, which starts by presupposing the natural equality of men, philosophical doctrinairism appears naked and unashamed. Among reasonable, scientific, and thinking men, however, these ideas have practically disappeared. In theory it is commonly acknowledged that science must, by the process of induction and deduction, trace back various phenomena to a common cause. In practice, however, this method does not invariably prevail.

The student of politics, therefore, must follow the methods of scientific history and draw deductions from empirical observations. But these methods are far more complicated than the simple straightforward manner of reaching conclusions which is proper to the Natural Sciences. The time will soon come when the absurd rivalry between the moral and physical sciences will be at an end. The former have the higher and more ideal office to perform, and for that very reason must always remain inexact. They can never do more than approximate to truth. The scientific historian must work backwards from results, which are indeed the very elements of his craft. Here lies his great difficulty. In his narrative he

must make the later appear to follow upon the earlier, whereas in reality the process is reversed. He is neither able nor willing to set down all the events which have actually happened, therefore before he undertakes the description of a period he must be clear in his own mind which of its occurrences have importance for posterity, a meaning for time to come. If history were an exact science, the future of governments might stand revealed. But this can never be, for the riddle of personality always remains unsolved. It is individual men who make history, such men as Luther, Frederick the Great, or Bismarck. This great heroic truth will endure for ever, and how it happens that the right man appears at his appointed time will always be a mystery to our mortal minds. The period moulds the genius, but does not create it. No doubt there are certain ideas at work in history, but the power of impressing them ineffaceably upon an age is only given to the genius of some particular man appearing at a particular time.

It is misapprehension of this truth which leads to so many false conclusions, whose folly is the less apparent because many of them have already become commonplaces.

To take an example. Certain combinations of outward circumstances lay at hand for Prussia. She was favoured by her geographical position, extending from East to West. Moreover, she had within her borders the extremes of religious opinion. She was thus especially fitted to be the champion of spiritual freedom for the whole of Germany. One might therefore look towards

her to put fresh vigour into the Holy Roman Empire, but one must not argue further that from Prussia that new life must inevitably spring. That it did happen so was no fore-ordained necessity, but due to the men of genius who directed the course of political events. Any attempt to base a system on a case of this sort would immediately lead to mistakes.

Again. He who conceives of the State as a rigid organization, modelled upon a definite theory, cannot help concluding that France is under a despotism to-day in consequence of the organization of Napoleon I. A despotic Government was created, and accordingly there must be a Despot at its head. But in arguing thus he forgets the one essential, the personal element in history. To a Monarchy should appertain a princely House, which has grown together with the nation through the course of their common life. Only such a ruling family as this is able to rise superior to parties. After the Revolution France was left with no Dynasty which could take this position. The spectacle was at once presented, therefore, of a Monarchy seeking a Monarch and unable to find one.

It is because we so easily forget the incalculable force of personality that it is so very difficult to systematize the facts of history. There is no word which the historian should use so cautiously as the word "necessity." Doctrinairism is for him the worst of errors. He must never twist the facts of history to suit his own theories. The number of its laws that we are in a position to lay down is very limited, and

their correctness only approximate. The moral sciences can only discover ethical principles, and the Natural Law, obstinately inflexible, can never govern this free world.

In statistics we have, to be sure, one branch of political knowledge whose results can be reduced to formulae. They show that certain social peculiarities in the life of nations are marvellously constant, and some imperfectly trained philosophers have tried to derive from this some theory of a natural necessity working blindly among men. Thus Quetelet in his book *Sur l'homme* quotes a whole string of facts—for instance that the number of marriages in certain countries remains always the same; that on an average the people of one country marry much earlier than do those of another, and more at one particular age than earlier or later; and that a remarkable regularity is displayed in the statistics of crime; and he argued from this that there is no such thing as free will in the proper sense of the word. But the followers of this teaching fail to detect this fallacy in it, that there is no incompatibility between free will and necessity, but only between free will and chance, which may prove the stronger in the end. It is absurd to place free will and necessity in opposition to one another. It is exactly when a man is acting most in obedience to the necessity of his own nature that he is most fully exercising his capacity for freedom. If I do something which makes all my friends exclaim, "That is like him! Only he could and must act so," then I have behaved in a way

which displays to their utmost extent both my power of choice and the inward compulsion. If we leave the moral point of view out of the question, undoubtedly everything which is cited by Quetelet and his school is a consequence of the outward conditions of life, limited and modified by those circumstances. If the social conditions under which a nation lives remain the same, then the results which follow from them alone also continue constant. The science of Statistics deals with such large averages that they are not disturbed by small variations. Nevertheless ethical motives, human hopes, and dreams of fortune must be reckoned with. Experience shows that in all civilized nations the educated classes marry later than the others, for man does not mate as animals do, blindly, but is guided by reason and moral considerations which outweigh his natural instincts.

Statistics must not be allowed to lead us to such false conclusions as the following, or to others like them—as, for instance, that in the course of history the advance of manners and morals always keeps pace with that of culture. The progress is only in certain directions. We can see it in the growth of civilization, but the individual human being does not become more moral as culture spreads. The polished man of the world and the savage have both the brute within them.

Nothing is truer than the Biblical doctrine of Original Sin, which is not to be uprooted by civilization to whatever point you may bring it. We may therefore doubt which periods are the

most moral, those when brute force ruled, or those which are governed by the more refined but more crafty power of the purse. In theory the ethical standard of mankind is raised by the progress of culture. We condemn many things which the Ancients thought justifiable, but this theoretic recognition does not help us to make any practical advance towards the subjective improvement of the individual, for man is not controlled by intelligence but by will, of which intelligence is only the servant, and therefore we cannot make it the measure of moral progress. There are in the soul of man other qualities besides the moral ones, imagination and memory, qualities of the highest importance, directly connected with the intellect, which become weaker as civilization increases. What is true of nature is true also of the life of nations, that no new strength can be acquired without corresponding loss. Plato early proclaimed the invention of writing to be a misfortune for the human race, for through it memory and imagination suffered. This is obviously true; and this misfortune was increased by the introduction of printing and other similar inventions, which we look at from only one point of view and call blessings. For certain human powers there is a high-water mark, and in many cases this has already been reached. The art of statuary attained to it in the days of Phidias. No later sculpture has approached the Greek in purity and strength, neither shall we ever again listen to oratory such as the Athenians heard. Human history does not march straight forward, but

rather in spiral lines. Great gains are paid for by heavy losses. To suppose that progress consists in what concerns the comfort of outward existence is so gross and contemptible an error as to be hardly worth contradiction. The truth in the idea of human progress can no more be proved by theoretic reasoning than can the existence of God, or the justice of an optimistic or pessimistic conception of the world. In these things conscience must pronounce the final judgment. Only the pressure of conscience towards self-fulfilment can bring home the conviction that all mankind is urged forward by the same pressure. This is the only convincing proof that practical reasoning can muster.

Like the assertion of human progress, the doctrine of compensations in history must be very carefully handled. There may be grounds for assuming it, but in innumerable cases our mortal eyes are not able to perceive its existence. Moreover this very doubt has its advantages, for if we always saw the rewards of our dealings in this world every virtue would sink to the level of cold calculation, and lose all the merit which lies in disinterested renunciation.

If, after all this, the historian finds himself constantly compelled to admit that truths are only relative, he finds also that there are, fortunately, a few absolute truths on which he may rely. Thus he can deduce from political history that power resides in the State, that in the civil community there must be distinction of classes, etc. And just as we have been able to find some absolute scientific formulae, so also we

have verified the truth of some ethical ideas. Thus mankind discovered very soon the absolute ethical standard of marriage. Here again the *ne plus ultra* has been reached, and the divine command of Love as Christianity has proclaimed it is perhaps the greatest forward step which the human race has made into that region where pure Ethics holds its sway.

The matter of which we shall treat in these pages falls naturally into five principal divisions :

I. The Nature of the State : its underlying idea and the consequences thereof.

II. The social foundations of the State : the Land and the People : Division of Classes and diversity of aims.

III. Varieties of political Constitution.

IV. The State considered in regard to its influence upon rulers and ruled : Government.

V. The State considered in relation to international intercourse.

FOREWORD TO AMERICAN EDITION

So MUCH has been said about the influence of Professor Heinrich von Treitschke on German contemporary political thought that this translation of his "Politics" will be welcome to English and American readers,—more especially, perhaps, to the latter, because they are probably, as a rule, less familiar with the principles it asserts. With them the most interesting part of the book will be the first three chapters and the last two, wherein the author discusses the idea of the state, its aim, its relation to the moral law and to other states, and gives his ideas of recent European history.

Other parts of the book are interesting also, particularly those that deal with the German constitution. Here von Treitschke explains his views

of the German Empire as a single state, with the Emperor as its sovereign, rather than a federation —although, as in some other cases, he does not carry his doctrines to their logical conclusion.

But it is in the opening and closing chapters that the reader will see Treitschke's peculiar views that have influenced German political thought, or in which that thought has found its expression. The disciples of a political thinker habitually carry his doctrines farther than the master himself; and this is the case with von Treitschke. His theories have limitations imposed by common sense. His state must to some extent observe a moral code independent of itself. Nevertheless in these chapters he expounds very forcibly his fundamental doctrine that the end of the state is power. From this he draws many startling conclusions; and his disciples have drawn even more.

(Signed) A. Lawrence Lowell,

President, Harvard University.

FIRST BOOK

THE NATURE OF THE STATE

I

THE STATE IDEA

The State is the people, legally united as an independent entity. By the word "people" we understand briefly a number of families permanently living side by side. This definition implies that the State is primordial and necessary, that it is as enduring as history, and no less essential to mankind than speech. History, however, begins for us with the art of writing; earlier than this men's conscious recollection of the past cannot be reckoned with. Therefore everything which lies beyond this limit is rightly judged to be prehistoric. We, on the other hand, must deal here with man as an historical being, and we can only say that creative political genius is inherent in him, and that the State, like him, subsists from the beginning. The attempt to present it as something artificial, following upon a natural condition, has fallen completely into discredit. We lack all historical knowledge of a nation without a constitution. Wherever Europeans have penetrated they have found some form of State organization, rude though it may have been. This recognition of the primordial character of the State is very

widespread at the present day, but was in fact discovered in the eighteenth century. Eichhorn, Niebuhr, and Savigny were the first to show that the State is the constituted people. It was indeed a familiar fact to the Ancients in their great and simple Age. For them the State was a divinely appointed order, the origins of which were not subject to inquiry. The constitutional doctrines of the Philosophers were in complete accord with the naïveté of the popular beliefs. For them the citizen was in his very nature no more than a fragment of the State; it therefore followed that the whole must have been anterior to the parts. This massive conception of the State as a whole, and its citizens its parts, can of course form no standard for us moderns; we say that a man belongs not only to this one community, but rather that he is essentially capable of forming part of many, without identifying his whole personality with any one of them.

Not till the decline of their commonwealth, when doubts of the soundness of the existing order began to arise, did the Ancients abandon their time-honoured conception. In a passage of the *Annals* (iii. 26), which by no means represents the characteristic spirit of Rome, Tacitus, that typical figure of the age of Roman Decline, declares that men originally lived in a condition of innocence, without legal institutions. Then force supervened, and thus the necessity for the State arose.

When the Pope and the Emperor, the ancient and visible pillars of the mediaeval *civitas*

Dei, had lost their authority by Luther's act, political speculators aimed above all at tracing authority back to some source superior to the will of the rulers. They sought after a Natural Law, whose sanctions were to be read among the stars. To provide a basis for this theory it had to be assumed that the State was a creation of human caprice and was preceded by a natural condition in which there was no State. Moreover, the arbitrary methods of government in the eighteenth century were intolerable to free spirits, and led them to conclude that this condition of things was unnatural; the idealism of this century, the mighty impulse towards the emancipation of individuality, co-operated to promote the notion of a natural condition anterior to the State. The Jesuits, moreover, assiduously elaborated this doctrine. Since the *civitas Dei* no longer existed in fact, fresh justification must be found for it in reason, and thus the temporal State was called a realm of evil and of lust, morally unsanctioned, and only acceptable to God when it proffered to the Church the support of the secular arm. The remarkable book of the Jesuit Taparelli presents this ancient doctrine in all its crudity, and yet dates only from about the year 1860.

Thus the Jesuits and the champions of Natural Law agree at all events in regarding the State as something not inherently necessary. Once the borders of reality had been overstepped fancy had free play. Hobbes relegated the *bellum omnium contra omnes* to the origin of human development. Rousseau, on the other

hand, who amongst the so-called philosophers of the eighteenth century was undoubtedly both the most unpolitically minded and the greatest lyricist, has defined the Natural State in accordance with this his lyrical temperament. Human existence was imagined in its beginnings as inconceivably innocent and blissful, so that the question must arise, How could it be induced by a contract to emerge from this Paradise into a world of constraint ?

If we probe this conception of a State-contract more closely, the historical fact which we have already perceived is seen to be irrefutable—that all human communities which we know of have enjoyed some form of political constitution, however primitive it may have been. The isolated man is not permanently conceivable ; he must have a mate, if only for the sake of propagation. Let us assume what after all is possible, and appears to be supported by the latest ethnographical researches — the descent of mankind from a primeval couple ; then the aboriginal family must be allowed to be the original State, for already we discover in the family the political principle of subordination. The father is the Chief ; he wields the authority. Homer thus describes the Cyclopes as constituted only in families, and not as a State. There each chief pronounces judgment within his own family, upon wife and child. On such matters, of course, no absolutely decisive verdict can be uttered. The greatest riddles of History lie at its beginning and its end. How is it possible, under such conditions, for men to bind themselves

by a contract? The answer is that it can only be done where a State exists; where it does not, there can be no contract. The strength of the State is founded solely upon positive Rights. Its aim is to endow certain expressions of the will with the binding force of agreements. If, then, we regard as the cradle of the State a contract whose validity is derived from the State itself, we are obviously putting the cart before the horse.

We cannot found the State upon a contract which in its turn can only be conceived within that State.

Moreover, we must take into consideration that the idea of stateless humanity is not only without historical warrant, but also contradicts the general laws of reason. If the State were a machine—as Justus Möser still took it to be—artificially created and developed—it might equally well not have arisen at all. We can imagine humanity without a number of important attributes; but humanity without government is simply unthinkable, for it would then be humanity without reason. Man is driven by his political instinct to construct a constitution as inevitably as he constructs a language.

"Why cannot apes speak?" asked Blumenbach nearly a hundred years ago, and himself supplied the apt reply, "Because they have nothing to say." Speech is the expression of reason; unreasoning creatures cannot speak. It is one of Wilhelm Humboldt's finest sayings that man must have been already man in order to have invented language. In like manner

political capacity is one of those fundamental gifts without which we should not be men at all.

The human race was once for all created with certain innate qualities amongst which speech and political genius must undoubtedly be counted. Aristotle says truly that man is φύσει, that is to say in his very nature and essence a ζῶον πολιτικόν. A being who feels no need for a constitution, he proceeds, must either be a god, and thus superior to man, or a beast, and his inferior.

How these gifts have been implanted in man from the beginning is nothing less than the Divine secret, which Natural Science has never yet fathomed. The body is indeed the instrument through which the spirit works, but it is not identical with the spirit. Conscientious science must halt here and humbly admit its limitations, and history cannot be conceived at all without postulating a creation.

The innate gregariousness of the savage, however, does not embrace mankind as a whole. The general love of his fellows is unknown to him, and the gregarious instinct is balanced by a desire to repel the unknown. More closely examined, the wish for companionship is thus perceived to be merely a tendency to form into groups conditioned by blood relationships. It may be assumed that in primitive societies the family is an extension of the tribe. Such tribes confront the stranger (ἀλλότριος φώς) with suspicion. It is well known that " hostis " and " hospes " were originally synonymous.

The assertion that mankind in the beginning looked upon itself as one, is the opposite of the truth. Humanity at the first cannot be otherwise conceived than as constituted in small groups; that is the primitive form of small State.

In classical antiquity every people held itself to be the chosen race. Only isolated thinkers had grasped the idea of humanity as a whole; Christianity alone made it universal, and even to-day it has to be assimilated through doctrine and education. Undoubtedly even at present a man feels himself primarily a German or a Frenchman, and only in the second place as a man in the wider sense. This is stamped upon every page of history. It is then both historically and physiologically untrue that human beings enter upon existence first as men, and afterwards as compatriots. It was the teaching of Christ which first brought home to them that all men are brothers. They are dissimilar in their concrete peculiarities, alike only in being created in God's image. In the actual circumstances of their lives they are thoroughly unlike. This is clearly perceived when we reflect that a man does not even remain identical with himself during his own life; the adult thinks differently from the youth, and takes a different standpoint. If we pursue this thought further it works like a deadly poison upon the theory of Radicals who speak of the natural equality of men. Rather must all political thinking postulate their natural inequality, for only thus is the subordination of some groups to others to be explained.

If, then, political capacity is innate in man, and is to be further developed, it is quite inaccurate to call the State a necessary evil. We have to deal with it as a lofty necessity of Nature. Even as the possibility of building up a civilization is dependent upon the limitation of our powers combined with the gift of reason, so also the State depends upon our inability to live alone. This Aristotle has already demonstrated. The State, says he, arose in order to make life possible ; it endured to make good life possible.

This natural necessity of a constituted order is further displayed by the fact that the political institutions of a people, broadly speaking, appear to be the external forms which are the inevitable outcome of its inner life. Just as its language is not the product of caprice but the immediate expression of its most deep-rooted attitude towards the world, so also its political institutions regarded as a whole, and the whole spirit of its jurisprudence, are the symbols of its political genius and of the outside destinies which have helped to shape the gifts which Nature bestowed.

We must, however, guard against the abuse of this parallel between speech-construction and State-construction. The great historical jurists have often erred in this respect. They have too often failed to see that the conscious will co-operates in the building up of a State in far greater measure than in the formation of a language. The life of the latter is much more naïve, direct, and natural than that of the former. Every single person who lets his tongue

wag contributes unconsciously and imperceptibly to its development.

In the State, however, especially when it has become highly civilized, the influence of conscious will is indispensable, and every people reaches a stage at which a standard of justice, not necessarily desired by itself, is found to exist. Here it is important to take a wide view, and when we do so we find we can regard the political history of a nation as the necessary consequence of its characteristic disposition as well as of its international status and destiny. Schiller says, "The world's history is the world's verdict." It is a true saying, but it must not be interpreted in too crudely material a fashion, for it often happens that the law of retribution seems to be in abeyance, at least over short periods, and many a crime goes unexpiated. The life of nations is counted by centuries, and judgment can only be pronounced when some definite stage in their history is relatively concluded. If we take particular instances numerous riddles appear which we are unable to solve. If it had been said of the Italians in 1858, or in 1868 of the Germans, that they had got what they deserved, it would have been proved false at once; but in the course of the world's history a Divine ordinance is perceptible. In Austria to-day the German population groans under their fathers' sins; the whole country was evangelized, but the Reformation was choked by the brutal force of arms, not by superior spiritual power. A people must above all things have the grit

to maintain firmly what it has recognized as right and true. Thus far it is true to say that the Germans of Austria have received their deserts, for they failed to maintain the principles of Protestantism with the same energy as the Germans of the North.

France always fluctuates between bigotry and a false Liberalism. When Louis XIV. revoked the Edict of Nantes and exiled the Huguenots he deprived the French of the power of remaining both God-fearing and free. The Huguenot persecutions are still bearing their evil fruits. The saying "the world's history is the world's verdict" is hard to understand precisely because he who executes the sentence is himself always a litigant in the cause. No people was ever more justly annihilated than the Poles, and yet in considering this event no one will feel the emotions which a tragedy by a great artist would inspire, for the nations which consummated this annihilation were themselves neither innocent nor impartial. Moreover, there is the law of numbers which must be given its due even in political life. We may say with certainty that the evolution of the State is, broadly speaking, nothing but the necessary outward form which the inner life of a people bestows upon itself, and that peoples attain to that form of government which their moral capacity enables them to reach. Nothing can be more inverted than the opinion that constitutional laws were artificially evolved in opposition to the conception of a Natural Law. Ultramontanes and Jacobins both start with the assumption that the legislation of a modern

State is the work of sinful man. They thus display their total lack of reverence for the objectively revealed Will of God, as unfolded in the life of the State.

When we assert the evolution of the State to be something inherently necessary, we do not thereby deny the power of genius or of creative Will in history. For it is of the essence of political genius to be national. There has never been an example of the contrary. The summit of historical fame was never attained by Wallenstein because he was never a national hero, but a Czech who played the German for the sake of expediency. He was, like Napoleon, a splendid Adventurer of history. The truly great maker of history always stands upon a national basis. This applies equally to men of letters. He only is a great writer who so writes that all his countrymen respond, "Thus it must be. Thus we all feel,"—who is in fact a microcosm of his nation.

If we have grasped that the State is the people legally constituted we thereby imply that it aims at establishing a permanent tradition throughout the Ages. A people does not only comprise the individuals living side by side, but also the successive generations of the same stock. This is one of the truths which Materialists dismiss as a mystical doctrine, and yet it is an obvious truth. Only the continuity of human history makes man a ζῶον πολιτικόν. He alone stands upon the achievements of his forebears, and deliberately continues their work in order to transmit it more perfect to his children and children's children. Only a creature like man,

needing aid and endowed with reason, can have a history, and it is one of the ineptitudes of the Materialists to speak of animal States. It is just a play upon words to talk of a bee State. Beasts merely reproduce unconsciously what has been from all time, and none but human beings can possess a form of government which is calculated to endure. There never was a form of Constitution without a law of inheritance. The rational basis for this is obvious, for by far the largest part of a nation's wealth was not created by the contemporary generation. The continuous legalized intention of the past, exemplified in the law of inheritance, must remain a factor in the distribution of property amongst posterity. In a nation's continuity with bygone generations lies the specific dignity of the State. It is consequently a contradiction to say that a distribution of property should be regulated by the deserts of the existing generation. Who would respect the banners of a State if the power of memory had fled? There are cases when the shadows of the past are invoked against the perverted will of the present, and prove more potent. To-day in Alsace we appeal from the distorted opinions of the Francophobes to Geiler von Kaisersberg and expect to see his spirit revive again. No one who does not recognize the continued action of the past upon the present can ever understand the nature and necessity of War. Gibbon calls Patriotism "the living sense of my own interest in society"; but if we simply look upon the State as intended to secure life and property to the individual, how comes it

that the individual will also sacrifice life and property to the State ? It is a false conclusion that wars are waged for the sake of material advantage. Modern wars are not fought for the sake of booty. Here the high moral ideal of national honour is a factor handed down from one generation to another, enshrining something positively sacred, and compelling the individual to sacrifice himself to it. This ideal is above all price and cannot be reduced to pounds, shillings, and pence. Kant says, " Where a price can be paid, an equivalent can be substituted. It is that which is above price and which consequently admits of no equivalent, that possesses real value." Genuine patriotism is the consciousness of co-operating with the body-politic, of being rooted in ancestral achievements and of transmitting them to descendants. Fichte has finely said, " Individual man sees in his country the realisation of his earthly immortality."

This involves that the State has a personality, primarily in the juridical, and secondly in the politico-moral sense. Every man who is able to exercise his will in law has a legal personality. Now it is quite clear that the State possesses this deliberate will ; nay more, that it has the juridical personality in the most complete sense. In State treaties it is the will of the State which is expressed, not the personal desires of the individuals who conclude them, and the treaty is binding as long as the contracting State exists. When a State is incapable of enforcing its will, or of maintaining law and order at home and prestige abroad, it becomes an anomaly and falls

a prey either to anarchy or a foreign enemy. The State therefore must have the most emphatic will that can be imagined. Roman Law was not fortunate in its development of the conception of legal personality, for in spite of their marvellous legal acuteness the Romans lacked the talent for philosophical speculation, and this is most disastrously displayed in their doctrine of legal personality. Roman Law assumes that a person in the legal sense must be merely an individual citizen.

That is crude materialism. Rather should all associations possessed of legal will be considered as legal persons. Now it was laid down by the Romans, who also felt this imperfection, that the State should attribute this juridical personality to monasteries, churches, etc., to enable them to transact legal business, and to stand in legal relationship with individuals. Thus the preposterous assertion is made that a human being has a legal personality because he has two legs, while the State has to acquire it, not having it by nature. But the will of the State is not fictitious. It is the most real of all. Moreover, what is the meaning of attributing to the State a personality which is not inherent in it ? The aim of knowledge is truth. Knowledge must not invent facts but must state them. A legal fiction is therefore not scientific. It is not scientific for me to pretend, when the State fixes a prescriptive period for certain offences, that no offence has been committed, for there has actually been one, and the State acts thus on grounds of expediency only. How is it

possible, in treating of the fundamental fact of all constitutional and political life, to assert, and to act upon, this legal fiction, that the great collective person, the State—the most supremely real person, in the literal sense of the word, that exists—is first of all obliged to endow itself with a personality ? How can we deny this attribute to the very source of all authority ?

As our Germanic public life was always very rich in all manner of corporations, our German jurisprudence was the first to abandon the theory of Roman Law which regarded the conception of personality as bound up with the individual, and it defined legal personality by competence to act in law. In this way the dictum becomes applicable to the State as well, for the State is the people's collective will. This does not imply that it is the mere mechanical total of all individual wills, for the individual is able to belong to several corporate bodies at the same time. Rousseau has aptly said, in one of the few maintainable passages of his *Contrat Social*, " La volonté générale n'est pas la volonté de tous."

The State, then, has from all time been a legal person. It appears to be so still more clearly in the historico-moral sense. States must be conceived as the great collective personalities of history, thoroughly capable of bearing responsibility and blame. We may even speak of their legal guilt, and still more accurately of their individuality. Even as certain people have certain traits, which they cannot alter however much they try, so also the State has characteristics which cannot be obliterated.

Pindar's warning words apply as much to the State as to the individual: "Pawn all thy goods to one, and debt will overtake thee."

We cannot imagine the Roman State humane, or encouraging Art and Science. It would be an implicit contradiction. Who cannot discern, in the course of German history, that excess of individual strength and violence whose centrifugal tendencies have made it so hard for us to establish a central authority? The State would no longer be what it has been and is, did it not stand visibly girt about with armed might. Sallust said truly that there is nothing more dangerous for a State founded by arms than to discard this essential principle of its strength.

If, then, we regard the State as the great collective personality, it is obviously misleading to look upon it as an organism, as many theorists do. This conception had a certain justification as against the mechanical view which prevailed earlier. In order to emphasize the doctrine that the State develops naturally, as an automatic product of the people's will, it became customary to speak of it as a natural organism. But it is dangerous to import the terminology of one science into another. Besides, the nature of an organism has become so problematical to the Natural Scientists themselves that Helmholtz once told me that he no longer dared to define the term. The boundary between organic and inorganic life has begun to fluctuate. Above all, the phrase does not in any sense express the nature of the State. There are countless organisms without conscious will, but will is the

State's essence. The talk of organic development in the body politic has too often served as the excuse for indolence. Every one who had no will to will, contented himself with the dictum that these things would "develop organically." We must not eliminate will, that most precious quality of public life.

Treat the State as a person, and the necessary and rational multiplicity of States follows. Just as in individual life the ego implies the existence of the non-ego, so it does in the State. The State is power, precisely in order to assert itself as against other equally independent powers. War and the administration of justice are the chief tasks of even the most barbaric States. But these tasks are only conceivable where a plurality of States are found existing side by side. Thus the idea of one universal empire is odious—the ideal of a State co-extensive with humanity is no ideal at all. In a single State the whole range of culture could never be fully spanned; no single people could unite the virtues of aristocracy and democracy. All nations, like all individuals, have their limitations, but it is exactly in the abundance of these limited qualities that the genius of humanity is exhibited. The rays of the Divine light are manifested, broken by countless facets among the separate peoples, each one exhibiting another picture and another idea of the whole. Every people has a right to believe that certain attributes of the Divine reason are exhibited in it to their fullest perfection. No people ever attains to national consciousness without overrating itself. The Germans are always in danger

of enervating their nationality through possessing too little of this rugged pride. The average German has very little political pride; but even our Philistines generally revel in the intellectual boast of the freedom and universality of the German spirit, and this is well, for such a sentiment is necessary if a people is to maintain and assert itself.

Since in so many nations the race becomes exhausted, and since various types of national culture exist side by side, single peoples can refresh themselves from the sources of other countries' intellectual vigour after a barren period of their own, as the Germans did from the French and English after the Thirty Years' War. The daily life of nations is founded upon mutual give and take, and since Christianity has brought this fact to universal recognition we may lay down that modern civilizations will not perish in the same sense as those of the ancient world, which lacked this knowledge. But it is no mere kindly interchange which takes place; the supreme need is to preserve what has been won. Historical greatness depends less on the first discovery or invention than on forming and keeping. The terrible saying, *Sic vos non vobis*, is once more vindicated. How tragic is the fate of Spain, which discovered the New World and to-day can show no trophy of that mighty civilizing achievement. Her one remaining advantage is that Spanish is still the language of millions beyond the seas. Other nations advanced and snatched from the Iberian races the fruits of their labour, first the Dutch and then the English. The

features of history are virile, unsuited to sentimental or feminine natures. Brave peoples alone have an existence, an evolution or a future; the weak and cowardly perish, and perish justly. The grandeur of history lies in the perpetual conflict of nations, and it is simply foolish to desire the suppression of their rivalry. Mankind has ever found it to be so. The Kingdoms of the Diadochi and the hellenized nations of the East were the natural reaction from the world-empire of Alexander. The extreme one-sidedness of the idea of nationality which has been formed during our century by countries big and small is nothing but the natural revulsion against the world-empire of Napoleon. The unhappy attempt to transform the multiplicity of European life into the arid uniformity of universal sovereignty has produced the exclusive sway of nationality as the dominant political idea. Cosmopolitanism has receded too far.

These examples show clearly that there is no prospect of a settlement of international contradictions. The civilization of nations as well as of individuals tends to specialization. The subtleties of personal character assert themselves proportionately to increase of culture, and with its growth even the differences between nations become more sharply defined. In spite of the increased facilities of communications between different countries, no blending of their peculiarities has taken place; on the contrary, the more delicate distinctions of national character are far more marked to-day than in the Middle Ages. Then the clergy of Europe, united by

Latin speech and culture, felt itself to be one body, as against the several peoples. Before the walls of Jerusalem the European chivalry evolved that peculiar and universally accepted code of gallantry and knightly custom which bound the German, English, and French nobles so closely together that they took the side of their foreign compeers against the cities of their own country. Further, the cities were only too often inclined to ally themselves with strangers against the native nobility. In short, the Middle Ages present a greater uniformity of class feeling and intellectual standards than is perceptible to-day. How profoundly different is the modern French ecclesiastic from the German, even when both are Catholics. No conclusion can be drawn from the superficial circumstances of life and fashion and similar things. Since the classic literatures of distinctly national type emerged from the old Latin ecclesiastical culture the individual characteristics of the nations have been strengthened by their own powers of literary expression. The rational task of a legally constituted people, conscious of a destiny, is to assert its rank in the world's hierarchy and in its measure to participate in the great civilizing mission of mankind.

Further, if we examine our definition of the State as "the people legally united as an independent entity," we find that it can be more briefly put thus: "The State is the public force for Offence and Defence." It is, above all, Power which makes its will to prevail, it is not the totality of the people as Hegel assumes in his

deification of it. The nation is not entirely comprised in the State, but the State protects and embraces the people's life, regulating its external aspects on every side. It does not ask primarily for opinion, but demands obedience, and its laws must be obeyed, whether willingly or no.

A step forward has been taken when the mute obedience of the citizens is transformed into a rational inward assent, but it cannot be said that this is absolutely necessary. Powerful, highly-developed Empires have stood for centuries without its aid. Submission is what the State primarily requires; it insists upon acquiescence; its very essence is the accomplishment of its will. The terrible words *βίᾳ βίᾳ βιάζεται* permeate the history of all governments. A State which can no longer carry out its purpose collapses in anarchy. What a contrast to the life of the Church. We may say that power is the vital principle of the State, as faith is that of the Church, and love that of the family. The Church is an essentially spiritual force, having also an external life, but appealing first of all to conscience, insisting above all upon the willing mind, and standing high in proportion to its ability to give profound and intense expression to this its vital principle. Therefore it is said, "He that eateth and drinketh unworthily eateth and drinketh judgment to himself." But if the State were to hold this view, or, for instance, to require from its soldiers more than the fulfilment of their military duties, it would be unbearable. "It does not matter,"

says the State, "what you think, so long as you obey." It is for this reason that gentle characters find it so hard to understand its nature. It may be said roughly that the normal woman first obtains an insight into justice and government through men's eyes, just as the normal man has no natural aptitude for petty questions of household management. This is easily understood, for undoubtedly power is a stern idea, and its enforcement is here the highest and only aim. For this reason the ruling nations are not so much the races rich in mental endowment, but rather those whose peculiar gift is force of character. In this the thoughtful student of the world's history perceives the awful nature of justice. The sentimentalist may bewail the overthrow of cultured Athens by Sparta, or of Hellas by Rome, but the serious thinker must recognize its necessity, and understand why Florence for all her refinement could not withstand the rivalry of Venice. All these cases took their inevitable course.

The State is not an Academy of Arts. If it neglects its strength in order to promote the idealistic aspirations of man, it repudiates its own nature and perishes. This is in truth for the State equivalent to the sin against the Holy Ghost, for it is indeed a mortal error in the State to subordinate itself for sentimental reasons to a foreign Power, as we Germans have often done to England.

Therefore the power of ideas in the life of the State is only limited. It is undoubtedly very great, but ideas by themselves do not move

political forces. If they are to influence public life effectively they must find support in the vital economic interests of the people. The *ancien régime* was not shattered by the ideas of the French Philosophers, but by the mutual interaction of various classes which resulted from the spread of these ideas.

A disturbance of social conditions followed; a middle class had arisen before which the old divisions disappeared, and here the egalitarian notions of the Philosophers received support.

Undoubtedly the genuine creators of the German Empire were Bismarck and the Emperor William; not Fichte or Paul Pfizer, or other pioneers. The great political thinkers have their meed of fame, but the men of action are the real heroes of history. In political life will power is the first essential of creative work, and therefore many builders of Empire find no place in the ranks of genius. The salient characteristic of the Emperor William was not the originality of his mind, but his calm, cool determination, a much rarer quality than is commonly supposed. Therein lay his strength.

The State's capacity for justice and impartiality lies in its stern and drastic nature which touches only the exterior of men's lives. As it aims only at forming and directing the surface of human existence, it can everywhere take up an attitude of indifference towards the conflicting schools of thought in Art, Science, and Religion. It is satisfied so long as they keep the peace.

Now if we imagine the Church organized like

the State we see at once why she could never remain impartial. She feels herself compelled to combat what she holds to be sin; she cannot be tolerant of it.

We have described the State as an independent force. This pregnant theory of independence implies firstly so absolute a moral supremacy that the State cannot legitimately tolerate any power above its own, and secondly a temporal freedom entailing a variety of material resources adequate to its protection against hostile influences. Legal sovereignty, the State's complete independence of any other earthly power, is so rooted in its nature that it may be said to be its very standard and criterion.

The State is born in a community whenever a group or an individual has achieved sovereignty by imposing its will upon the whole body.

We must not be misled on this point by new-fashioned teaching. Since, like all federated legal systems, the jurisprudence of the German Empire recognizes certain fictions from motives of expediency and courtesy, the senseless doctrine of first-rate and second-rate States has latterly made its appearance. This makes it salutary for us to analyse the meaning of the word "sovereignty." It is typical of the French and of their constitutional principles that they have never created any method of self-government, because they neither knew nor wished to know what it meant in practice. On the other hand they have maintained the unity of the State with spirit and determination, and it was a Frenchman who found the proper term for this idea. No doubt

the Italians had already at an earlier date spoken of "Sovranità," but without connecting the word with any very definite meaning. For them "Sovrani" meant persons in high place, as distinguished from those below them. It was first of all in France during the Huguenot Wars, when the crown had become the shuttlecock of parties, that Jean Bodin formulated the dictum, "The State is a plurality of families *avec puissance souveraine*." He was the first to use the expression in the sense in which it is now indispensable to us. Now it is the right and the duty of learning to express certain notions of universal validity in the terms of that nation's language in which they were first generated. Therefore the word "sovereign" is, and will remain, characteristic of the nature of the State, since the temporal power cannot tolerate a co-ordinated, and still less a higher authority in its own sphere.

Human communities do exist which in their own fashion pursue aims no less lofty than those of the State, but which must be legally subject to it in their outward relations with the world. It is obvious that contradictions must arise, and that two such authorities, morally but not legally equal, must sometimes collide with each other. Nor is it to be wished that the conflicts between Church and State should wholly cease, for if they did one party or the other would be soulless and dead, like the Russian Church for example. Sovereignty, however, which is the peculiar attribute of the State, is of necessity supreme, and it is a ridiculous inconsistency

to speak of a superior and inferior authority within it. The truth remains that the essence of the State consists in its incompatibility with any power over it. How proudly and truly statesmanlike is Gustavus Adolphus' exclamation, "I recognize no power over me but God and the conqueror's sword." This is so unconditionally true that we see at once that it cannot be the destiny of mankind to form a single State, but that the ideal towards which we strive is a harmonious comity of nations, who, concluding treaties of their own free will, admit restrictions upon their sovereignty without abrogating it.

For the notion of sovereignty must not be rigid, but flexible and relative, like all political conceptions. Every State, in treaty making, will limit its power in certain directions for its own sake. States which conclude treaties with each other thereby curtail their absolute authority to some extent. But the rule still stands, for every treaty is a voluntary curb upon the power of each, and all international agreements are prefaced by the clause "Rebus sic stantibus." No State can pledge its future to another. It knows no arbiter, and draws up all its treaties with this implied reservation. This is supported by the axiom that so long as international law exists all treaties lose their force at the very moment when war is declared between the contracting parties; moreover, every sovereign State has the undoubted right to declare war at its pleasure, and is consequently entitled to repudiate its treaties. Upon this constantly recurring

alteration of treaties the progress of history depends; every State must take care that its treaties do not survive their effective value, lest another Power should denounce them by a declaration of war; for antiquated treaties must necessarily be denounced and replaced by others more consonant with circumstances.

It is clear that the international agreements which limit the power of a State are not absolute, but voluntary self-restrictions. Hence, it follows that the establishment of a permanent international Arbitration Court is incompatible with the nature of the State, which could at all events only accept the decision of such a tribunal in cases of second- or third-rate importance. When a nation's existence is at stake there is no outside Power whose impartiality can be trusted. Were we to commit the folly of treating the Alsace-Lorraine problem as an open question, by submitting it to arbitration, who would seriously believe that the award could be impartial? It is, moreover, a point of honour for a State to solve such difficulties for itself. International treaties may indeed become more frequent, but a finally decisive tribunal of the nations is an impossibility. The appeal to arms will be valid until the end of history, and therein lies the sacredness of war.

However flexible the conception of Sovereignty may be we are not to infer from that any self-contradiction, but rather a necessity to establish in what its pith and kernel consists. Legally it lies in the competence to define the limits of its own authority, and politically in the appeal to

arms. An unarmed State, incapable of drawing the sword when it sees fit, is subject to one which wields the power of declaring war. To speak of a military suzerainty in time of peace obviously implies a *contradictio in adjecto.* A defenceless State may still be termed a Kingdom for conventional or courtly reasons, but science, whose first duty is accuracy, must boldly declare that in point of fact such a country no longer takes rank as a State.

This, then, is the only real criterion. The right of arms distinguishes the State from all other forms of corporate life, and those who cannot take up arms for themselves may not be regarded as States, but only as members of a federated constellation of States. The difference between the Prussian Monarchy and the other German States is here apparent, namely, that the King of Prussia himself wields the supreme command, and therefore Prussia, unlike the others, has not lost its sovereignty.

The other test of sovereignty is the right to determine independently the limits of its power, and herein lies the difference between a federation of States and a Federal State. In the latter the central power is sovereign and can extend its competence according to its judgment, whereas in the former, every individual State is sovereign. The various subordinate countries of Germany are not genuine States; they must at any moment be prepared to see a right, which they possess at present, withdrawn by virtue of Imperial authority. Since Prussia alone has enough votes on the Federal Council to be in a

position to prevent an alteration of the Constitution by its veto, it becomes evident that she cannot be outvoted on such decisive questions. She is therefore, in this second respect also, the only truly sovereign State which remains.

In such matters one must not be guided by historians, but by statesmen. When Bismarck once pointed out to the Emperor William I. that the consent of the Empire would not be forthcoming for a certain political step, the latter exclaimed irritably, "Rubbish! The Empire is after all only an extension of Prussia." This was certainly a crudely military point of view, but it was correct. As history knows of no case in which the conqueror has not strengthened his own organization, so it has come to pass by means of treaties that the might of Prussia has been indirectly extended over the whole Empire; and under these conditions we have prospered, for even the Kings of Bavaria, Wurtemberg, and Saxony have not lost but rather increased their effective influence through the creation of the German Empire. They have had to abandon a military power which only existed upon paper, and which 1866 had proved to be illusory, but they have gained a channel, through the formation of the Federal Council, by which they can exercise an influence on the collective will of the Empire at large. This influence is so considerable that the actual power of these rulers is at present greater than formerly, since it depends on realities rather than on titles.

Over and above these two essential factors of the State's sovereignty there belongs to the

nature of its independence what Aristotle called "*αὐτάρκεια*," *i.e.* the capacity to be self-sufficing. This involves firstly that it should consist of a large enough number of families to secure the continuance of the race, and secondly, a certain geographical area. A ship an inch long, as Aristotle truly observes, is not a ship at all, because it is impossible to row it. Again, the State must possess such material resources as put it in a position to vindicate its theoretic independence by force of arms. Here everything depends upon the form of the community to which the State in question belongs. One cannot reckon its quality by its mileage, it must be judged by its proportionate strength compared with other States. The City State of Athens was not a petty State, but stood in the first rank in the hierarchy of nations of antiquity; the same is true of Sparta, and of Florence and Milan in the Middle Ages. But any political community not in a position to assert its native strength as against any given group of neighbours will always be on the verge of losing its characteristics as a State. This has always been the case. Great changes in the art of war have destroyed numberless States. It is because an army of 20,000 men can only be reckoned to-day as a weak army corps that the small States of Central Europe cannot maintain themselves in the long run.

There are, indeed, States which do not assert themselves positively by virtue of their own strength, but negatively through the exigencies of the balance of power in Europe. Switzerland,

Holland, and Belgium are cases in point. They are sustained by the international situation, a foundation which is, however, extremely solid, and so long as the present grouping of the Powers continues Switzerland may look forward to prolonged existence.

If we apply the test of *αὐτάρκεια* we perceive that, as Europe is now constituted, the larger States are constantly gaining influence in proportion as our international system assumes a more and more aristocratic complexion. The time is not yet very distant when the adhesion or withdrawal of such States as Piedmont and Savoy could actually decide the fate of a coalition. To-day such a thing would be impossible. Since the Seven Years' War the domination of the five great Powers has been necessarily evolved. The big European questions are decided within this circle. Italy is on the verge of being admitted into it, but neither Belgium, Sweden, nor Switzerland have a voice unless their interests are directly concerned.

The entire development of European polity tends unmistakeably to drive the second-rate Powers into the background, and this raises issues of immeasurable gravity for the German nation, in the world outside Europe. Up to the present Germany has always had too small a share of the spoils in the partition of non-European territories among the Powers of Europe, and yet our existence as a State of the first rank is vitally affected by the question whether we can become a power beyond the seas. If not, there remains the appalling prospect of England and

Russia dividing the world between them, and in such a case it is hard to say whether the Russian knout or the English money bags would be the worst alternative.

On close examination then, it becomes clear that if the State is power, only that State which has power realizes its own idea, and this accounts for the undeniably ridiculous element which we discern in the existence of a small State. Weakness is not itself ridiculous, except when masquerading as strength. In small States that puling spirit is hatched, which judges the State by the taxes it levies, and does not perceive that if the State may not enclose and repress like an egg-shell, neither can it protect. Such thinkers fail to understand that the moral benefits for which we are indebted to the State are above all price. It is by generating this form of materialism that small States have so deleterious an effect upon their citizens.

Moreover, they are totally lacking in that capacity for justice which characterises their greater neighbours. Any person who has plenty of relations and is not a perfect fool is soon provided for in a small country, while in a large one, although justice tends to become stereotyped, it is not possible to be so much influenced by personal and local circumstances as in the narrower sphere. French centralization is an alarming example. The incurable nuisance of our examinations is unluckily of Prussian origin, for a country with hundreds of *Gymnasien* cannot give a free hand to the teachers, and with our uncontrolled freedom of domicile and frequent

change of employees it will be hard to find a better method of selection for the mass of Government posts which have to be filled than that afforded by the routine of examinations, which have verily become the curse of Germany. Red tape is an inevitable evil in the administration of big States, but it may be sensibly diminished by the increased autonomy of Provinces and Communes.

Everything considered, therefore, we reach the conclusion that the large State is the nobler type. This is more especially true of its fundamental functions such as wielding the sword in defence of the hearth and of justice. Both are better protected by a large State than a small one. The latter cannot wage war with any prospect of success. There is, however, nothing mechanical in the administration of justice, it must be constantly modified by the daily practice of the Courts, which is nourished by experience of life as well as by the science of law, and it is only when the practical experience of numberless Law Courts is continuously accumulating that the administration of Justice can be really effective. There neither is nor ever can be a Swiss jurisprudence; French, German, Italian law exists in Switzerland, but a national code can never be evolved; Swiss jurists continue to develop our German law.

The economic superiority of big countries is patent. A splendid security springs from the mere largeness of their scale. They can overcome economic crises far more easily. Famine, for instance, can hardly attack every part of

them at once, and only in them can that truly national pride arise which is a sign of the moral stamina of a people. Their citizens' outlook upon the world will be freer and greater. The command of the sea more especially promotes it. The poet's saying is true indeed that "wide horizons liberate the mind." The time may come when no State will be counted great unless it can boast of territories beyond the seas.

Another essential for the State is a capital city to form a pivot for its culture. No great nation can endure for long without a centre in which its political, intellectual, and material life is concentrated, and its people can feel themselves united. London, Paris, Rome, Madrid, Stockholm, Copenhagen are the towns where the political life of the respective countries has culminated. Such capitals are necessary, their sins and their crimes notwithstanding, but it was not until the nineteenth century that we Germans possessed such a city.

Examining closely, we find that culture in general, and in the widest sense of the word, matures more happily in the broader conditions of powerful countries than within the narrow limits of a little State. When Holland was the predominant naval Power, Sir William Temple, in his book upon the United Provinces, asserted that in a small State there must be some hidden quality favourable to maritime commerce. A no less meaningless generalization is apparent in the favourite German theory that the peculiarities of our culture arise from our system of petty States. It must be obvious that the

material resources favourable to Art and Science are more abundant in a large State; and if we inquire of history whether at any time the fairest fruit of human culture has ripened in a genuine petty State, the answer must be that in the normal course of a people's development the zenith of its political power coincides with that of its literary excellence. In this England affords us an enviable example. Chaucer, the poet of the Canterbury Pilgrimage, is contemporaneous with the Black Prince and the other heroic conquerors of France. Then follows another era of political power under Elizabeth, and of literary splendour culminating in Shakespeare. Later, side by side with Cromwell, we find the no less unique figure of the poet Milton. The contemporaries of the War of the Spanish Succession are Addison and the prose writers, who gave to modern English literature its peculiar characteristics, and directed it towards the novel of manners and the study of realism in fiction. During the struggle with the French Revolution, England produced Walter Scott and Byron as well as Nelson. It is apparent from all this that the development has been a remarkably happy one.

Such good fortune, however, falls to the lot of few nations. The incalculable individual forces in the history of Art and Science have a very robust life of their own, and so long as they have something to say they express it boldly, recking little of the State's attitude towards them. The State may build universities and academies, but it must leave the cultivation of Arts and

Sciences to the spirit which presides over these foundations. In periods of political decay Italy has produced masterpieces in all the realms of Art, so we must not argue from, but rather guard ourselves against, the great delusion that United Germany must henceforward enter upon a period of literary greatness. Some national conflicts absorb so much of a people's nervous energy that an intellectual exhaustion is almost unavoidable. It was with the Italians as with us; their unity was achieved with the same suddenness, and where shall we find great champions of Art and Literature in the epoch of Cavour? So much of our national strength was expended in the throes of our struggle for unity that the nation needs time to recoup.

We must guard against pedantic theorizing from single instances, but in taking a comprehensive survey of history we see that all the true masterpieces of Poetry and Art have originated in the atmosphere which belongs to great nationalities. The cosmopolitan relations of Venice and haughty Florence were so world-wide that the ordinary Philistinism of a petty State was out of the question with regard to them. Their citizens had a pride in their own destinies which recalls the temper of ancient Athens. The poet and the artist require a great people to respond to their genius, for when did a small nation ever generate a great work of Art? The Lusiads belong to a date when Portugal had discovered half the world. Thorwaldsen was no Dane; he was born on board a ship bound for Denmark from Iceland, and

he went in early life to Rome. Nothing in his works discovers a trace of Danish spirit. He was a modern Hellene, and when questioned about his birthday, he answered, "I do not know it; it was on March 8th, 1797, that I first saw Rome."

It is always the rule that the true classics are brought into being with the subconscious assent of a great nation, the one notable exception being the German literature of the eighteenth century. At that time the very pettiest of the petty States were for a short while centres of culture.

No doubt great Prussians like Kant and Herder contributed towards this result, but, broadly speaking, the impression is that in the eighteenth century Prussia was still the Sparta of Germany, while its Athens was to be sought in the smaller States. This condition of things only ended with the foundation of the Berlin University.

The facts are undeniable, but the question is whether the life of the little principalities promoted our literature, or whether its influence was merely negative. What had Goethe and Schiller in common with the spirit of Weimar and Eisenach? It is a confusion of thought to assert that these great men were reared and inspired by Saxe-Weimar, which no doubt afforded them material protection and security, but certainly contributed nothing to their personality. The little Courts neither produced nor educated our men of letters. It was they, on the contrary, who educated the Courts, till

then dominated by French manners. At last a new world of ideas burst upon our people (the nation who, after the Italians, are the most idealistic in Europe) and asserted its right under the most unfavourable conditions. Was not Lessing compelled to do lip service to many a fetish and convention, and do we not feel in Goethe's *Tasso* how often the poet has inwardly struggled with cramping circumstances for which he was too great ?

Even to-day one cannot look without vexation at the fine twin statues of Goethe and Schiller, standing in a bare and narrow space in the town of Weimar, in front of an ugly yellow barrack, which one learns is dubbed the National Theatre. The handful of Chamberlains and Bedchamber Women of the Court of Weimar were not an audience from which a great poet could derive inspiration. It was in spite of provincialism then that our classic authors achieved their mighty work, because in all the narrowness of their environment, and surrounded as they were by poverty and Philistinism, they knew themselves to be representatives of a great people with a glorious past. With the exception of Kant, all our great writers wandered from home, yearning to belong to greater Germany. We may maintain, then, the broad principle that large States are more adapted than small ones to promote the development of intellectual culture.

We come now to consider the last point which arises out of our definition of the State as the people legally united as an independent

entity. Rightly to understand this proposition we must tackle the conception of civil society. That society is the whole range of the conditions of mutual interdependence which are implied in the natural inequality of man and the unequal division of property and attainments; which are daily reshaped by human intercourse into unending manifestations which include family relations, economic conditions, and class rivalries, to say nothing of all the groupings which spring from ecclesiastical, artistic, and scientific life. Among all these the economic conditions are of the chief importance to the State, inasmuch as they, like itself, belong to the sphere of external existence, while religion, art, and science lead a more intimate life, and therefore are less dependent on the State.

When we examine more closely the whole fabric of these conditions of mutual interdependence which we call society we find that under all its forms it tends naturally towards aristocracy. The Social Democrats imply in their very title the absurdity of their aspirations. Just as the State pre-supposes an irremovable distinction between those in whom authority is vested and those who must submit to it, so also does the nature of society imply differences of social standing and economic condition amongst its members. In short, all social life is built upon class organization. Wise legislation may prevent it from being oppressive and make the transition from class to class as easy as possible, but no power on earth will ever be able to substitute a new and artificial organiza-

tion of society for the distinctions between its groups which have arisen naturally and automatically.

It is a fundamental rule of human nature that the largest portion of the energy of the human race must be consumed in supplying the primary necessities of existence. The chief aim of a savage's life is to make that life secure, and mankind is by nature so frail and needy that the immense majority of men, even on the higher levels of culture must always and everywhere devote themselves to bread-winning and the material cares of life. To put it simply: the masses must for ever remain the masses. There would be no culture without kitchen-maids.

Obviously education could never thrive if there was nobody to do the rough work. Millions must plough and forge and dig in order that a few thousands may write and paint and study.

It sounds harsh, but it is true for all time, and whining and complaining can never alter it. Moreover the outcry against it does not spring from love of humanity but from the materialism and modern conceit of education. It is profoundly untrue to regard education as the essential factor in history, or as the rock on which human happiness is founded. Would it not be monstrous to maintain that women are less happy than men? Does the superior learning of the savant place him on a higher plane than the labourer? Personally I am not imbued with this arrogance of learning, and truly great natures have never been tainted with it. I have

always felt a deep respect for the homely virtues of the poor. Happiness is not to be sought in intellectual attainments, but in the hidden treasures of the heart, in the strength of love and of an easy conscience, which are accessible to the humble as well as to the great. Goethe has often proclaimed that it is the moral forces which distinguish human beings from other creatures :

Edel sei der Mensch,
Hülfreich und gut,
Denn das allein
Unterscheidet ihn
Von allen Wesen,
Die wir kennen.

A man must be noble, kind and good at need, for that alone raises him above all other beings that we know of.

Again he says, " High thinking is not vital."

It is precisely in the differentiation of classes that the moral wealth of mankind is exhibited. The virtues of wealth stand side by side with those of poverty, with which we neither could nor should dispense, and which by their vigour and sincerity put to shame the jaded victim of over-culture. There is a hearty joy in living which can only flourish under simple conditions of life. Herein we find a remarkable equalization of the apparently cruel classifications of society. Want is a relative conception. It is the task of government to reduce and mitigate distress, but its abolition is neither possible nor desirable. The economy of Nature has here set definite limits upon human endeavour, and on the other hand man's pleasure in life is so overwhelming

that a healthy race will increase and spread wherever there is space for them.

We are told indeed that the innumerable inventions of a highly developed commercial community will make the supply of the primary necessities of life increasingly easier, but this is a delusion, for needs and desires lie so near the root of human nature that every material want which is satisfied generates another in endless succession. When the first railway was built it was generally assumed that a great number of horses would in future be superfluous, since the mail-coaches would cease to run upon the high-roads. Exactly the contrary has happened, because more horses are now used on the bye-roads which lead to the railways than were formerly required in the whole of Germany.

So it will remain true that the great mass of humanity is always labouring for the elementary requirements of the race. Nor can any one seriously wish that everybody should receive a highly intellectual education. We have already overstepped the limits of prudence in this direction and it would be a disaster if still more Germans wished to matriculate. The modern Greeks have squandered away their future by developing two characteristics with an appalling one-sidedness: firstly by cultivating an appetite for information which has raised the number of students in Athens to more than 3000, whose highest ideal is that of the schoolmaster, and secondly by neglecting their army. They cannot strike, and therefore it has become doubtful whether they will ever possess Constantinople, however much

it is to be desired that they should. There are then nations who, to their great detriment, are over-cultured, and there is still truth in the old saying about the hallowed soil of manual work.

Let us hear no clap-trap about the disinherited. No doubt there have been times when those in possession have grossly abused their power, but as a rule the social balance is kept.

There must be give and take between the higher and the lower grades of society, and in fact there is. The artisan can only pursue his craft by means of the upper classes, and it is the wholesale contractors who virtually direct labour.

From all this a result emerges which closer examination will verify: that there is in fact no actual entity corresponding to the abstract conception of civil society which exists in the brain of the student. Where do we find its concrete embodiment? Nowhere. Any one can see for himself that society, unlike the State, is intangible. We know the State is a unit, and not as a mythical personality. Society, however, has no single will, and we have no duties to fulfil towards it. In all my life I have never once thought of my moral obligations towards society, but I think constantly of my countrymen, whom I seek to honour as much as I can. Therefore, when a savant like Jhering talks of the ethical aim which society is supposed to have set itself, he falls into a logical error. Society is composed of all manner of warring interests, which if left to themselves would soon lead to a *bellum omnium*

contra omnes, for its natural tendency is towards conflict, and no suggestion of any aspiration after unity is to be found in it.

Bastiat expresses an illusion of the old Free Trade School when he affirms that a natural harmony of interests exists between the various groups constituting society and that this harmony could finally be established by a right understanding of the common good, and that the farmer for instance would have to recognize that his own prosperity depended upon that of industry. This hypothesis rests upon the self-contradictory conception of an egotism which looks beyond itself. The origin of this error can be traced back to the empirical Scottish philosophy of the eighteenth century which only took into account the animal impulses in human nature and set up the crazy contention that the brute in man would raise man above the brute. Self-interest, it was contended, properly understood, would lead men to perceive that their interests were inseparable from those of others, and therefore that a harmony does in fact exist between the heights and depths of society. But how can it be supposed that men could arrive at overcoming egotism by egotistical reasoning? The purely selfish man, be he never so acute, can never penetrate the tangle of human affairs. Are not passion and stupidity to be counted among the great powers in all economic life? No doubt it would be very nice if rogues and assassins were sensible enough to see that they would be much more comfortable if they did not stab or rob their neighbours, but these

members of society are more lacking in goodwill than in perception.

Passion and stupidity after all only emphasize a contrast already existing in nature. The landlord aims at getting the highest possible rent—the tenant at living as cheaply as he can. The most terrible of all wars are those provoked by social differences. This is taught by the Slave Wars of Rome, by the Peasant Wars of the Middle Ages, and in our own times by the conflagration of the Commune. Social passions once let loose are always appallingly fierce and foolish, and no class can boast of being superior to another in this respect.

It is then clear that society takes a thousand forms, and consequently that social science cannot be separated from political science. We can indeed treat the science of economics as an intellectual abstraction, but if we survey society with its struggles and its groupings, including those which are not economic in their nature, we find ourselves once more in presence of the State. For that is the legal unity which counterbalances this multiplicity of interests, and it is only playing with words to speak of political and social science as two separate things. Law and peace and order cannot spring from the manifold and eternally clashing interests of society, but from the power which stands above it, armed with the strength to restrain its wild passions. It is here that we first get a clear idea of what we may speak of as the moral sanctity of the State. The State it is which brings justice and mercy into this struggling world.

If we inspect more closely the mutual relations of State and society we find a continual interaction between them, involving the subtlest scientific problems. The ideal aim is that the two should be commensurate, and that every living social force should find that place within the constituted order of things, which its importance demands. But this ideal can never be realized because society always lives and grows faster than the State. The formation of commercial companies must first have arisen out of trade before the State can contemplate legislation with regard to them. A natural inclination to become identified is discernible both in the State and in society, but it can never be quite carried out. Every force which arises in society struggles to acquire a corresponding weight in the State, and conversely the State seeks to utilize every such force for its own ends. Hence there is an unceasing ebb and flow, a constant give and take. The power of a newly arisen class may long remain unnoticed by the State, until it suddenly becomes apparent that the social centre of gravity has shifted. During the eighteenth century the nobility in France had gradually ceased to be the dominant class, the bourgeoisie had become more and more powerful through its wealth and culture, so that the aristocracy little by little lost its claim to pre-eminence. But such processes must have nearly run their course before the State can take cognizance of them; and to discern these really vital movements of society is one of the most difficult tasks which it has to perform, because in the

constant flux of daily life they are so often unseen upon the surface, and because it is very hard for reflective thought to penetrate the secret heart of the masses. Further it is plain that the State may influence society by organizing and controlling it, but can rarely do so by creative effort. By enfranchising the serfs in 1807 Prussia enabled them to make themselves self-supporting, but it is to their own energy, and to the use they have made of the opportunity thus afforded them that we owe the boon of our free peasant community. Identical legislation would not have transformed Russian or Polish serfs into the stalwart yeomen which ours afterwards became. The State can only interfere to protect or promote.

Further there is a natural distinction between the social and the political conception of the State. It may be regarded from above from the point of view of government, and the question asked, "What safeguards its authority?" In pursuing this political train of thought the question of individual happiness is relegated to the second rank. On the other hand the social point of view looks upon the State with naïve egotism, and points clamorously to the new social forces for which it has not yet legislated. Everything which our century terms Liberalism tends towards the social view of the State. Were it the only one, were it not confronted by a stern political conception, the framework of our nationality would simply collapse, and Germany be disintegrated by the warring of innumerable social groups.

There are peoples whose entire existence is coloured and shaped by their relation to the State, others again in which the social outlook predominates. Broadly speaking, modern nations fall into the latter category, in contradistinction to the politically-minded communities of the ancient world. The difference between the two attitudes is very marked, even within a given epoch, and it is very curious to observe how the excess of either tendency may ruin a people. Thus did the gifted Spanish race drain its life-blood for the political idea of the supremacy of the Church. We cannot contemplate such stupendous political idealism without a kind of horror-stricken admiration. The moral dignity of labour was repudiated on principle, and thereby the country was ruined to such an extent that the catastrophe was instantaneous.

In modern history we more often see the momentous results of the exclusively social attitude of mind. The nation which lives only to justify those social appetites, whose only wish is to grow richer and to live more comfortably, must inevitably fall a prey to the lowest propensities of nature. What a glorious people were the Dutch in the days of their struggle against the power of Spain! But scarcely was their independence secured before the corroding influence of peace began to eat into their hearts. Misfortune is a tonic to noble nations, but in continued prosperity even they run the risk of enervation. In this way the once courageous race of Holland have deteriorated physically as well as morally by becoming mere money-

grubbers. That is the Nemesis of a people which spends itself entirely in social life and loses the sense of its political greatness.

Both the Italians and the Germans have been under this same curse. Their idealism took an exclusively literary and artistic form, and thus the Italians became a nation of dilettantes who found beauty only in the ankle of a ballerina or the throat of a prima-donna. We Germans have never known a more contemptible period than the slothful interval of peace after the religious compact of Augsburg. This instance plainly proves that a dead calm is not wholesome for a people. Its result was a belated War of Religion, which unfortunately inherited none of the passions of the days of Luther except their hatreds, for the truly idealistic spirit of the Reformation was gone. Here the one-sidedness of the purely social outlook took a terrible revenge. In the eighteenth century literary and artistic preoccupations were uppermost, and not till then did our people gradually begin to descend from Heaven to Earth. In our own time the preponderance of social forces is beginning to assert itself again in the form of a slavish observance of the platitudes of Natural Science.

A certain balance between political and social activity is the ideal. A people generally takes care of itself in this respect, and at intervals which defeat calculation reconstitutes itself by war. War is Politics κατ' ἐξοχήν. Again and again it has been proved that it is war which turns a people into a nation, and that only great

deeds, wrought in common, can forge the indissoluble links which bind them together. But the same reinvigorating force which war from time to time carries with it, is brought into daily life by a liberal Constitution, and here it is especially noteworthy that local self-government maintains better the balance of social and political activity than a Parliamentary activity can do. Self-government enlists the best elements in the community in the daily service of the State, and is thus of infinite value. Self-administered local bodies prepare the community, which would otherwise be disintegrated by the egotism of purely social activities, for political work towards a common end.

The interaction between State and society is infinitely complex, illogical and intricate. Human existence is not adapted to being woven by theorists into a flawless system. There are social forces which embody the idea of beauty or devote themselves to the search for truth, but however exalted the aims of these social efforts may be it is the common characteristic of them all to remain unsatisfied with the attained, and to be filled with the spirit of overweening, the πλεονεξία. None of them, not even the Church, have the instinct of a mathematical equality in their conception of justice. The State alone can be universally and genuinely just, and this because it concerns itself with external order alone. Under primitive conditions it frequently happens that a particular class absorbs the governing power to such an extent that the State never attains to the consciousness

of its duty to stand above social antagonisms. This is undoubtedly true of the Middle Ages. It was at a very late stage that the State began to realize that it was something more than the tool of a particular class. The conception of the theory of High Treason is a symptom of this awakening. Already in 1352 the idea of it was formulated in England, and marks the State's dawning consciousness of its own majesty. The more the conditions of its power make it independent of any social class, the more capable will it be of meting out justice to every one of them. All civil society is, as we have seen, aristocratic by nature. A monarchy as well as an aristocracy becomes part of this naturally ordained aristocratic division, while all democracy is rooted in a contradiction of nature, because it premises a universal equality which is nowhere actually existent. It is not to be discovered in any of Nature's organisms: no animal is the exact replica of its fellow, and this rule stands good in far higher degree for the human race. Civil society exhibits the same inequalities, which the State can never remove.

When we draw our conclusions from all the foregoing we shall not follow Hegel in pronouncing the State to be absolutely the people's life.

In the State he saw the moral idea realized, which is able to accomplish whatever it may desire. Now the State, as we have seen, is not the whole of a nation's life, for its function is only to surround the whole, regulating and protecting it. When the Hegelian Philosophy

was at its zenith, a number of gifted men tried to make out that the State, like the Leviathan, should swallow up everything. The modern man will not find this idea easy to accept. No Christian could live for the State alone, because he must cling fast to his destiny in eternity. Out of this arises a youthful error of Richard Rothe's, when, in his work on the history of the Christian Church, he develops the idea that if the State would in the future take over the Church's civilizing duties, the two might amalgamate. This can never be, nor can any one seriously wish it. The State can only work by an outward compulsion: it is only the people as a force; but in saying this we express an endlessly wide and great ideal, for the State is not only the arena for the great primitive forces of human nature, it is also the framework of all national life. In short, a people which is not in a position to create and maintain under the wing of the State an external organization of its own intellectual existence deserves to perish. The Jewish race affords the most tragic example of a richly gifted nation, who were incapable of defending their State, and are now scattered to the ends of the earth. Their life is crippled, for no man can belong to two nations at once. The State, therefore, is not only a high moral good in itself, but is also the assurance for the people's endurance. Only through it can their moral development be perfected, for the living sense of citizenship inspires the community in the same way as a sense of duty inspires the individual.

All historical study, therefore, must return finally to consider the State, for there can be no Will without a being capable of willing, and where is that to be found in the life of history? Where are the collective personalities who struggle with one another upon its stage? To speak of the soul of a people is the error of the scientist; it has become the fashion, but it will vanish like last year's snow, for how is it possible to say that some decision has, at some given moment, been arrived at by the soul of a people? Macaulay was the first to assert that the era of political history was ended, and its place taken by the history of civilization, but he refrained from acting up to his own principles. Whoever recognizes that continuity is the very essence of history, will also understand that all history is primarily political. The deeds of a nation must indeed be chronicled, statesmen and generals are the heroes, scholars and artists also have their place, but the true life of history is not exhausted by the study of these inspiring figures. The further we stray from the State the more do we lose sight of that true historic life.

Moreover, when our century claims that the study of social conditions is a new thing in the writing of history, it exhibits a strange self-conceit. The Father of History, Herodotus, devotes quite half his attention to it. The second great historian of the Greeks, whose relations to Herodotus are as those of the full-grown man to the simple child, writes purely politically and ignores social history altogether. Herodotus describes a strange and mysterious

world, unfamiliar to his hearers, but deeply interesting to all Hellenes. He had seen it with his own eyes, and in order to make the events of Persian and Egyptian history generally comprehensible, he first of all depicts the ordinary manners and customs of the time. Thucydides was not obliged to do this, and would have made himself ridiculous by attempting a detailed description of Greek society, for he was concerned with contemporary history played upon a stage with which every one was well acquainted. Here we have a striking proof of how the social element may sometimes be absent from the representation of history, but the political never can be. No historian who lacks the political mind can penetrate to the heart of history, for all his philological learning cannot give him the political insight to perceive how the ideas of the age influenced the State for good or evil. There is always an incompleteness in those historical works, which treat only of the mere study of national character and ignore the State and the world of action. Jacob Burckhardt's splendid book, *Cultur der Renaissance in Italien*, is one of the finest historical works existing, but nevertheless every one feels the want of something in it, and that something is living personalities. To understand the Italian Renaissance at all it is first necessary to understand the blossoming of the Italian States.

Moreover, technical achievement and invention have much less historical importance than is nowadays claimed for them. Were it not so we should have to revise our collective judgment

of the history of the world. In the whole course of that history we can hardly find a people whose actions have had so lasting an influence as those of the Romans, and yet they were not outstanding in Art or Literature, nor especially distinguished for their inventions. Horace and Virgil wrote Greek verse in Latin, but we must not expect from them the originality proper to the Greek poets. Yet this Roman people became, through their actions, one of the most productive in the world's history. They impregnated the German races with their genius for State construction, and we will not forget that the Roman Church owes its form essentially to the Roman State. No doubt the Romans did make many advances in the realm of science, but on the whole their genius here also lagged behind that of the Greeks.

Reflection convinces us that it is the first and oldest inventions which have done the most for civilization, and have had the greatest influence on the life of the nations. Writing was undoubtedly the most important of all human inventions, for with it historic life began. Likewise the discovery of the use of manure was the most ancient in agriculture and produced the greatest effect, for when the tribes attained that knowledge they became stationary, and their whole way of life was changed. It is evident that these two ancient discoveries did more for the progress of mankind than either printing or the telegraph. Writing lifted the human intellect to a new level, but printing had no such effect.

A summary of all this leads us again to the definition of history as a representation of the *res gestae* and of the statesmen who brought them to pass. The historian must have unhampered political insight in order to understand the gifts and specific peculiarities of each of those men. Every great statesman is characterized by will-power, strong ambition, and a passionate desire for success. He is no statesman if he takes no joy in results. Frederick William IV. had the artistic nature. He was satisfied to revel in some fine political theory, and its practical working out interested him less. No doubt the statesman also must possess imagination, but it is imagination dealing with reality, and differently constructed from the artist's. And in spite of his delight in mere success, in spite of his recklessness in the choice of men and methods, in spite of all the harshness and brutality which his nature must acquire, the true statesman displays a disinterestedness which cannot fail to impress.

"May my reputation be shattered and my name forgotten," exclaimed Cavour, "but let Italy become a nation."

At the present time there are two tendencies which work against this political conception of history. One is the over-subtle, artistic, literary trend of thought, introduced by Hermann Grimm. He finds the real inwardness of history in Art and Literature, and forgets that millions of men are left untouched thereby. But a far greater danger than this aesthetic one-sidedness lies in that modern and suburban view of life

which prizes money-grubbing above the productivity of Art or even of the effective Will.

Against this we must hold to the living idealism of the historian which does not underrate hard facts, but rather seeks to discover through them the dominating idea.

II

THE AIM OF THE STATE

When we begin to consider the aim of the State we are immediately confronted with the old vexed question which has needlessly fretted both the learned and the ignorant, namely—Should we look upon it as a means towards the private ends for which its citizens strive, or are those citizens means towards the great national ends of the State? The severely political outlook of the ancient world favoured the second alternative; the first is maintained by the modern social conception of the State, and the eighteenth century believed itself to have discovered in it the theory that the State should be treated only as an instrument to promote the aims of its citizens.

But, as Falstaff would say, this is "a question not to be asked," for ever since it has been considered at all, it has been universally agreed that the rights and duties of the State and its members are reciprocal. There can be no two opinions on that point. But parties which are bound together by mutual obligations and rights cannot stand to each other in the relations of means to an end, for means only

exist to serve an end, and there can be no reciprocity between them. The Christian point of view has destroyed the ancient conception of the State, and the Christian would be false to himself if he did not reserve that immortal and intransitory something, which we call conscience, as his own private and peculiar possession.

In one of his greatest books, *The Foundations of the Metaphysics of Ethics,* Kant logically develops the principle that no human being may be used merely as an instrument, thereby recognizing the divinely appointed dignity of man. Conversely, to regard the State as nothing but a means for the citizens' ends is to place the subjective aspect too high. The greatness of the State lies precisely in its power of uniting the past with the present and the future; and consequently no individual has the right to regard the State as the servant of his own aims but is bound by moral duty and physical necessity to subordinate himself to it, while the State lies under the obligation to concern itself with the life of its citizens by extending to them its help and protection.

When we conceive the State as a personality, we see clearly that it must seek its own goal within itself. This truth was first pointed out at the beginning of the nineteenth century by Adam Müller and the Romantic School of political thinkers. It is impossible to discover what the ultimate aim of any living personality should be, without putting the further question, What is the moral task of that personality? Let us in the same way ask the State what is its

appointed work in the civilized world, — and, firstly, what are the natural boundaries of its activity ?

It then becomes evident that we cannot and must not attempt to lay down any theoretic maximum of such activity, nor define the boundaries within which the State may display it. Since the State is power, it can obviously draw all human action within its scope, so long as that action arises from the will which regulates the outer lives of men, and belongs to their visible common existence. Historical experience —examined fairly and without prejudice—teaches us that the State can overshadow practically the whole of a people's life. It will dominate it to the precise extent in which it is in a position to do so. There have been States which have embraced and directed it entirely. Communistic forms of society do this. Moreover, the degree of independence desired by different nations varies very much. Some only feel themselves at ease when all the circumstances of their lives are guided by a compelling power above them. A theocracy, of all forms of government the most immature, is also the most interfering. We know of no State in history which has mingled more with the life of its members than the remarkable Jesuit State in Paraguay. It existed for centuries among the Indians, and they throve under its sway. In this case Church and State were one. These savages, converted to the Church of Christ, were ruled by a practical Communism such as no other people have ever consistently experienced. The clang of the Church bell

summoned them to their work, their food, and their slumbers. Such a theocratic omnipotence may shock us, but we cannot deny to this State its claim to the title.

Theoretically, therefore, no limit can be set to the functions of a State. It will attempt to dominate the outer life of its members as far as it is able to do so. A more fruitful subject for speculation will be to fix the theoretic minimum for its activity, and decide what functions it must at the least fulfil before it can be given the name of State. When we have set this minimum we shall come to the further question of how far beyond it the State may reasonably extend its action. We then see at once that since its first duty, as we have already said, is the double one of maintaining power without, and law within, its primary obligations must be the care of its Army and its Jurisprudence, in order to protect and to restrain the community of its citizens. The fulfilment of these two functions is attained by certain material means ; therefore some form of fiscal system must exist, even in the most primitive of States, in order to provide these means.

No State can endure which can no longer fulfil these elementary duties. It is only in abnormal circumstances that we find any exception to this rule, as when an artificial balance of power protects the smaller States which can no longer protect themselves.

The functions of the State in maintaining its own internal administration of justice are manifold. It must firstly, in civil law, place

the prescribed limit upon the individual will. It will nevertheless proportionately restrict its own activity in this sphere, since no individual is compelled to exercise his own legal rights. Here the State will issue no direct commands, but merely act as mediator, leaving the carrying out of its decrees to the free will of the contracting parties.

In civil law the rule that purchase supersedes hire is not necessarily observed in each individual case, but only when the parties concerned have made no other arrangement, and the State only enforces it in order to provide a fixed legal standard if dispute arises.

The interference of the State is more active in the domain of criminal law. Here it exercises compulsion in order to protect its legal ordinances against the invasion of evil design, and here it lays down what the rights and duties of its citizens should be. In sharp contrast with the principles of civil jurisprudence, the individual is here given no choice whether he will or will not act in full accordance with the law. The principles of common law are so absolutely binding that they are synonymous with duty.

The State decides the measure of the citizen's share in the Constitution. Public servants have no option in the extent to which they will exercise their functions. For instance, if the State refrains from imposing universal suffrage as a duty, it does so only upon grounds of expediency.

The next essential function of the State is the conduct of war. The long oblivion into which this principle had fallen is a proof of how

effeminate the science of government had become in civilian hands. In our century this sentimentality was dissipated by Clausewitz, but a one-sided materialism arose in its place, after the fashion of the Manchester school, seeing in man a biped creature, whose destiny lies in buying cheap and selling dear. It is obvious that this idea is not compatible with war, and it is only since the last war that a sounder theory arose of the State and its military power.

Without war no State could be. All those we know of arose through war, and the protection of their members by armed force remains their primary and essential task. War, therefore, will endure to the end of history, as long as there is multiplicity of States. The laws of human thought and of human nature forbid any alternative, neither is one to be wished for. The blind worshipper of an eternal peace falls into the error of isolating the State, or dreams of one which is universal, which we have already seen to be at variance with reason.

Even as it is impossible to conceive of a tribunal above the State, which we have recognized as sovereign in its very essence, so it is likewise impossible to banish the idea of war from the world. It is a favourite fashion of our time to instance England as particularly ready for peace. But England is perpetually at war; there is hardly an instant in her recent history in which she has not been obliged to be fighting somewhere. The great strides which civilization makes against barbarism and unreason are only made actual by the sword. Between civilized

nations also war is the form of litigation by which States make their claims valid. The arguments brought forward in these terrible law suits of the nations compel as no argument in civil suits can ever do. Often as we have tried by theory to convince the small States that Prussia alone can be the leader in Germany, we had to produce the final proof upon the battlefields of Bohemia and the Main.

Moreover war is a uniting as well as a dividing element among nations; it does not draw them together in enmity only, for through its means they learn to know and to respect each other's peculiar qualities.

It is important not to look upon war always as a judgment from God. Its consequences are evanescent; but the life of a nation is reckoned by centuries, and the final verdict can only be pronounced after the survey of whole epochs.

Such a State as Prussia might indeed be brought near to destruction by a passing phase of degeneracy; but being by the character of its people more reasonable and more free than the French, it retained the power to call up the moral force within itself, and so to regain its ascendancy. Most undoubtedly war is the one remedy for an ailing nation. Social selfishness and party hatreds must be dumb before the call of the State when its existence is at stake. Forgetting himself, the individual must only remember that he is a part of the whole, and realize the unimportance of his own life compared with the common weal.

The grandeur of war lies in the utter annihilation

of puny man in the great conception of the State, and it brings out the full magnificence of the sacrifice of fellow-countrymen for one another. In war the chaff is winnowed from the wheat. Those who have lived through 1870 cannot fail to understand Niebuhr's description of his feelings in 1813, when he speaks of how no one who has entered into the joy of being bound by a common tie to all his compatriots, gentle and simple alike, can ever forget how he was uplifted by the love, the friendliness, and the strength of that mutual sentiment.

It is war which fosters the political idealism which the materialist rejects. What a disaster for civilization it would be if mankind blotted its heroes from memory. The heroes of a nation are the figures which rejoice and inspire the spirit of its youth, and the writers whose words ring like trumpet blasts become the idols of our boyhood and our early manhood. He who feels no answering thrill is unworthy to bear arms for his country. To appeal from this judgment to Christianity would be sheer perversity, for does not the Bible distinctly say that the ruler shall rule by the sword, and again that greater love hath no man than to lay down his life for his friend? To Aryan races, who are before all things courageous, the foolish preaching of everlasting peace has always been vain. They have always been men enough to maintain with the sword what they have attained through the spirit.

Goethe once said that the North Germans were always more civilized than the South

Germans. No doubt they were, and a glance at the history of the Princes of Lower Saxony shows that they were for ever either attacking or defending themselves. One-sided as Goethe's verdict is, it contains a core of truth. Our ancient Empire was great under the Saxons; under the Swabian and the Salic Emperors it declined. Heroism, bodily strength, and chivalrous spirit is essential to the character of a noble people.

Such matters must not be examined only by the light of the student's lamp. The historian who moves in the world of the real Will sees at once that the demand for eternal peace is purely reactionary. He sees that all movement and all growth would disappear with war, and that only the exhausted, spiritless, degenerate periods of history have toyed with the idea. Three such periods have occurred in modern history.

The first was the dismal time after the Peace of Utrecht and the death of Louis XIV. The world seemed to be taking breath, but Frederick the Great pronounced acutely that this was a period of universal demoralization in European politics. The Holy Roman Empire occupied a ridiculous position, Prussia was unprepared and faced with the problem of expansion or destruction — yet these indefinite conditions were pronounced by the apostles of reason to be fraught with good. The elder Rousseau, the Abbé Castel de St. Pierre, and others came forward and wrote their insensate books about the banishment of strife.

The second period, when the nations eagerly

passed round the pipe of peace, began under like circumstances after the Congress of Vienna. Its treaties were looked upon as *ratio scripta*, and it was held to be right and reasonable that two great nations, the Germans and the Italians, should be cramped for all eternity.

We are living in the third period to-day. A great war seems to have destroyed idealism in Germany. Does not the braying laughter of the vulgar echo loud and shameless, when any of those things which have made Germany great is thrown down and broken? The foundations of our ancient and noble culture are crumbling; everything which once made us an aristocracy among the nations is mocked and trodden under foot. Certainly this is a fitting time to rave once more of everlasting peace.

But it is not worth while to speak further of these matters, for the God above us will see to it that war shall return again, a terrible medicine for mankind diseased.

Despite all this it is not denied that the progress of culture must make wars both shorter and rarer, for with every step it renders men's lives more harmonious. Even as the alternation between asceticism and sensuality which was characteristic of the Middle Ages is no longer natural to us to-day, so does war strike us as appalling, because it involves a complete break with our accustomed conditions. The highly cultured man realizes indeed that he must slay the antagonists whose bravery he honours, and he feels that the majesty of war lies in the absence of passion from the slaughter, therefore it is a

far greater effort to him than to the savage to enter upon such a conflict.

Furthermore, civilized nations suffer far more than savages from the economic ravages of war, especially through the disturbance of the artificially existing credit system, which may have frightful consequences in a modern war. Terrible indeed would be the results of the entrance of an invader into London, where the threads which bind the credit of millions are gathered together, and where a conqueror as ruthless as Napoleon might wreak a havoc of which we can form no conception. Therefore wars must become rarer and shorter, owing to man's natural horror of bloodshed as well as to the size and quality of modern armies, for it is impossible to see how the burdens of a great war could long be borne under the present conditions. But it would be false to conclude that wars can ever cease. They neither can nor should, so long as the State is sovereign and stands among its peers.

There are then no two opinions about the duty of the State to maintain its own laws and protect its own people. For this purpose every State must have an Exchequer. The machinery of the law, the upkeep of the army, and some system of finance are their first duties. Up to this point no argument need be entertained, for it is of no importance to science whether a truth be accepted quietly, or with wailing and gnashing of teeth. The dispute concerning the aims and business of the State only begins over the question of its ability and vocation to assume other duties towards the human race. No such question was

admitted into the political conceptions of classical antiquity, for where the citizen is nothing but a member of the State the idea of its undue interference with his concerns does not arise. It never occurred to Aristotle to inquire whether the State was exceeding its prerogative when it appointed an official to superintend feminine morality. It acted within its rights, and he did not consider whether in so doing it did damage to family life. In the same way it did not strike the Ancients as possible that the State could legislate too much. The words of Tacitus, *in pessima republica plurimae leges*, which are so often and so willingly quoted in this context, simply mean that when the morals of a State are bad it may seek in vain to remedy the evil by a multitude of laws.

The modern theory of individualism, decked with its various titles, stands as the poles asunder from these conceptions of antiquity. From it the doctrine emanates that the State should content itself with protection of life and property, and with wings thus clipped be pompously dubbed a Constitutional State.

This teaching is the legitimate child of the old doctrine of Natural Law. According to it the State can only exist as a means for the individual's ends. The more ideal the view adopted of human life, the more certain does it seem that the State should content itself with the purely exterior protective functions. William Humboldt sets forth this belief in its most alluring and intelligent form in one of his early writings, *Suggestions for an Attempt to define the Boundaries*

of the State's Activity ("Ideen zu einem Versuch die Grenzen der Wirksamkeit des Staates zu bestimmen"). The State, he says, should defend the lives and goods of its citizens, and for the rest ensure to them the greatest possible freedom. Without liberty there is no morality; therefore a State-enforced morality is worthless, and the State must abstain from interference in the free life of its members. Such was Humboldt's opinion, and it fascinated many, for it was redolent of the spirit of Weimar and Jena—the time when men were intoxicated with beauty, and looked upon the State only as a necessary evil. Their demand was not so much for freedom within the State, as for freedom from it. We cannot wonder at this teaching, for it was a product of the prevailing system of little States. Humboldt himself did not abide by his youthful convictions, for when the time of need came he too supported the power of the State to compel, and proved thereby that he understood the meaning of liberty within it.

Many years later, when these highly idealistic beliefs of his could be studied in their entirety (1852, in the seven volumes of his collected Works), they were hailed with acclaim by a quite differently minded generation. Aesthetic idealism had given way before the new materialistic economic teaching, whose only root is in the money-bags, and which is still firmly planted in certain circles. It too would fain use the State only as a means, and would make of it no more than a sort of night-watchman for the citizens' security. But when we probe this theory which

has cast its spell over so many distinguished men, we find that it has totally overlooked the continuity of history, and the bond which unites the succeeding generations. The State, as we have seen, is enduring; humanly speaking, it is eternal. Its work therefore is to prepare the foundations for the future. If it existed only to protect the life and goods of its citizens it would not dare to go to war, for wars are waged for the sake of honour, and not for protection of property. They cannot therefore be explained by the empty theory which makes the State no more than an Insurance Society. Honour is a moral postulate, not a juridical conception.

Obviously the theory oversteps its own limits. If the State is to make the law secure, it must be able to prevent, and must therefore take steps to kill the brute in man. Consequently it must to some extent care for the people's education. In 1847 the English were childish enough to scoff at the servile intelligence of the German nation, which welcomed the idea of universal compulsory education. Yet Macaulay, being a man of independent judgment, was convinced that the savagery of the masses must be checked, and he spoke out for the enforcement of school attendance, but he could not quite throw off the old English habit of mind, and he declared that the State must take charge of the upbringing of its citizens if it wished to guard itself against thieves and robbers. The education of the people has a higher, nobler task than the securing of the possessions of individuals.

Ahrens and the followers of Krause have tried

to evolve higher functions for the State out of this theory of the Constitutional State. But this conjurer's trick was not very successful. They defined the State as a combination of all the institutions which make for the perfecting of the human race. Hence it may no doubt be proved that the Constitutional State may discharge all the duties of promoting culture. But all this is mere juggling with phrases. It behoves us to say boldly that the idea of the Constitutional State is not adequate to express the real essence of the State and its functions. The State is a moral community called to positive labours for the improvement of the human race, and its ultimate aim is to build up real national character through and within itself, for this is the highest moral duty of nations as well as individuals. When we have taken this to our hearts we are able to perceive that the Germans are far from having accomplished these great national tasks. National character is exactly what they lack in comparison with their neighbours, for their unity is so young. A sure and certain national instinct is not a universal quality with us, as it is with the French people.

We may, then, shortly call the State the instrument of civilization, and demand of it positive labour for the economic and intellectual welfare of its members. History shows us how the sphere of the State's activity widens with the growth of culture. Everything which we call Government in the strict sense has been created through the progress of civilization. In Homeric times the prince was content with

pronouncing judgment and, when necessary, conducting war. Even in the Middle Ages an administration was still non-existent, and the State only concerned itself with the most elementary necessities. Not until the splendour of the Holy Roman Empire was in German hands did German kingship begin its fuller, richer expansion. Then the growth of the cities forced the State to adopt new aims and wider activities. Experience teaches that the State is better fitted than any other corporate body to take charge of the well-being and civilizing of the people. Briefly put, what was the great result of the Reformation ? The secularization of great portions of the common life of men. When the State secularized the larger portion of the Church's lands it also took over its accompanying public duties, and when we reckon how much the State has accomplished for the people's culture since the Reformation, we recognize that these duties fall within its natural sphere. It has accomplished more than the Church performed throughout the whole of the Middle Ages. But here again we must guard ourselves against stereotyped conventions. Everything depends on what kind of official class the State possesses. The German railway system would be unworkable in England or America, for the officials would not be forthcoming. Our Swabian compatriot, Rümelin, who made a comparative survey of Germany and America, pronounced that the German administration was both better and more economical, but that in a newer world the State cannot have yet reached that measure of efficiency.

It savours of barbarism to regard the State's fostering of Art as a luxury. Art is as indispensable to men as their daily bread. Without these stirrings of the spirit we should cease to be a nation, and the State is there to set before Art its great work for the nation's monuments.

This expansion of the State's activity is not absolute, however; rather does it militate against the greater happiness of mankind that its operation should have become increasingly indirect. At the present time the State has very markedly restricted its direct authority; it concerns itself more with exerting a stimulus upon the whole economic system than with directing any one branch of that system. This brings us to a yet more important point, for with increasing culture the respect paid by the governing power to individual liberty increases also. The State feels that its own strength and glory rests ultimately on the freedom of reasonable, thoughtful men. It strives, therefore, only to frame such laws as the best among the people will approve, as calculated to strengthen and not to destroy their independence. It is safe to say that the increasing activity of the State will not swamp the whole of human life, but that the liberty of the individual will grow with the growth of culture. All such increase is a blessing, and approved by reason if it encourages the independence of free and reasonable men; it is an evil if it crushes or infringes upon that independence. Compulsory education is a phrase. It should rather be called compulsory freedom; for here the State exercises force against the

folly and indolence of the conscienceless parents who would leave their children to grow up like mushrooms.

Consequently we must not say, as many intelligent thinkers have said, that with progress of time the influence of the State upon private life will become less, and upon economic life greater. This is not borne out by facts. Our educational system strikes its roots so deep within the individual that through it the modern man is far more closely bound to the State than he was in the Middle Ages. The mediaeval man drew most of his beliefs and sentiments from the Church and the class to which he belonged. To-day there are moral ideas which are common to whole nations, and become so through the common teaching in the schools. Direct pressure upon conscience has been abandoned for the reasons given already, because the State has been wise enough to see that its own real support is only to be sought in freedom for the will. Therefore its activity spreads with civilization in ever-widening circles, but tending always to become less and less direct. It tries to exert influence by guiding and reminding, and by encouraging organizations of which people may avail themselves if they choose. It is only through the exertions of the State that the modern tendency to gather into separate groups for purely social aims is in some degree checked, and the way cleared for the great collective personalities which we call the Nation and the State to build up a national character common to all.

There are, no doubt, colonies not long established where social energies find freer natural scope. In them the untrammelled power of the individual is everything. In America, for instance, society is stronger than the State. The American "self-made man" is the best example of the development of social life in young colonies. Certain natures find satisfaction in the dollar-hunting of American life, but, broadly speaking, we may assert that existence is more human and more intense in Europe, steeped in her ancient culture, than yonder among the Yankees. Bancroft, the American historian, now dead, who had a limitless love for his native land, admitted that it could offer him nothing comparable to the society he found in Berlin. The peculiar thinness of the intellectual atmosphere in young countries is repellent to sensitive natures.

England and Germany are the two countries of the old European civilization in which the activity of the State is at present the most developed, and they are therefore very interesting to science. Sheltered by her insular position from the fear of war, England allows the great machine of her national economy to run with a freedom which we could not permit; but in the foundation and exploitation of her colonies her administration is magnificent, and she has there worked out one of the most complex systems of government that the world has ever seen. In Germany, on the other hand, the complex system exists within her own boundaries.

Our political development is of later growth,

and consequently wider than that of other European countries. We have learnt from our predecessors, as the development of our literature also proves. Germany in the nineteenth century has undoubtedly taken the lead in political science, after having followed the foreigner in this domain for two hundred years. The confused course of our history and the repeated violent interruptions which our development has suffered, have at least had the advantage of keeping us from the traditions and prejudices which have so often obscured the political judgment of other peoples.

The complicated functions of our State arise from our place in the world, our history, and our geographical position, all of which enable us to pursue aims which to other nations seem incompatible with each other. We are the only State which recognizes full equality between the Churches. We can permit a Church which proclaims itself to be paramount to stand peacefully among the others, and the Catholics amongst us have for the most part accepted a culture which is Protestant in its very essence.

Further, we are the most monarchical nation in Europe, and yet we must strive to harmonize with that a highly respected Representative Assembly. We have solved the riddle of how a civilized nation can also be a nation in arms, and we shall solve the yet harder riddle of how a wealthy nation can retain the moral benefits of an army and a military service. We ensure a minimum standard of culture by our compulsory education. Power for the State and

freedom for the people, prosperity and defensive strength, culture and faith are the great antitheses which we seek to reconcile. Such in modern times are the hard political and social tasks which our State has to perform. Her chief stand-by will be the comprehensive character of the German people in the accomplishment of what constitutes a large part of our greatness and our rank among the nations.

III

THE STATE IN RELATION TO THE MORAL LAW

If we conceive the State to be a moral community, bound to take its appointed part in the education of the human race, it must indubitably also be subject to the universal moral law. Nevertheless we constantly hear of the conflict between politics and morals, which shows at once that the relation of the two is not perfectly simple and clear.

For us Christians the problem is, in fact, a hard one. It did not trouble the Ancients, who recognized no moral law but in and through the State, and for whom politics were the most important part of ethics. In the judgment of Aristotle the individual could only find his consummation within the State, and its approval constituted the moral right. All Hellenes united in praise of tyrannicide, for whoever threatened injury to the commonwealth must be removed, by legal or illegal means. Nor did the Jews of the Old Testament think differently. To modern poets Judith is a tragic figure, but to her contemporaries she appeared only as a heroine worthy of all fame. To the Jewish

people the State's self-vindication was in itself the moral ordinance. To them, as to the Greeks, it was obvious that the national enemy must be destroyed. Everything, even usury, was permitted against the stranger. As the text runs: "Unto a stranger thou mayest lend upon usury, but unto thy brother thou shalt not lend upon usury." According to Christian standards the Jew and the Pagan of antiquity are alike without conscience, inasmuch that it is not the individual but always the collective conscience of the community which imposes upon each one the inviolable law. It is well known that conscience is never mentioned in the early books of the Old Testament. The word occurs first in the Book of Wisdom, at a date when Judaism was already in its decline. The Sophists were the first among the Greeks to begin to inquire into the relation of the State to the Personal Will, and a long interval ensued before the Stoics spoke distinctly of the existence of conscience.

In such a world of repression of individuality there could be no suggestion of conflict between politics and morals. The Middle Ages were equally free from it. The world was a great Empire, receiving its laws from the mouth of the Vicar of Christ and his representatives. The German State, still immature, was under the leadership of the Church, who laid down for it its moral law. The Pope had the right to endow whom he would with the territory of the heathen, as he did in the case of the Teutonic Order. He appears also as the theoretic possessor of all heathen lands. This carried out the

doctrine that the unbeliever had no legal rights against the Christian, who could enter into no contract with him because he could not ratify his oath upon the Sacrament. Only in the East, where the Christian could not avoid treating with his heathen neighbours, did the peculiar conditions cause an exception to be made to this rule. It held so firm in Western Europe that even in the sixteenth century a universal storm of protest arose when the French king Francis I. allied himself with the Sultan Suleiman against Charles V. The moral ordinances, applied generally to the mass of Christian people, were not inwardly recognized or assimilated by the individual, but imposed upon all alike by the Church. These conditions were only modified to a certain extent by the power of the different classes within the community. The established customs conformed to by the knightly order, and the standards of honour recognized in commerce by the burghers, sometimes softened the law, but could never abrogate it. Under so hierarchic a system no thought of a conflict between morals, customs, and politics had yet been entertained.

The change came suddenly when the old authority collapsed before the oncoming of the Reformation in the Christian world.

Only amongst the ruins of the old order can we begin to understand the mind of the mighty thinker who co-operated with Martin Luther for the liberation of the State. It was Machiavelli who laid down the maxim that when the State's salvation is at stake there must be no

inquiry into the purity of the means employed; only let the State be secured, and no one will condemn them. Machiavelli, to be comprehended, must be studied absolutely historically. He came of a race which is even now in the act of shaking off the bondage of the Middle Ages for the modern freedom of subjective thought. He saw all around him in Italy those great figures of tyrants who so wonderfully personified the genius of their lavishly gifted nation. Every one of them was a born Maecenas; every one of them had a great artist's acute sense of his own individuality. Machiavelli revelled in the genius of these mighty men. It will be to his abiding honour that he set the State upon its own feet, freed it from the moral sway of the Church, and above all was the first to declare distinctly that the State is Power. But despite it all he had himself hardly stepped out across the threshold of the Middle Ages. When he tries to liberate the State from the Church, and declares, with the boldness of modern Italian patriots, that the Stool of Rome has plunged his country into misery and woe, he still holds by the idea that morality is an ecclesiastical attribute, and that when the State cuts loose from the Church she also breaks away from the moral law in general. He says that the State should only strive towards the goal of its own power, and that whatever appertains thereto is necessary and right. He tries to think like the Ancients, but fails, because he is a Christian and has eaten involuntarily of the Tree of Knowledge.

It is owing to the transitional character of

the times in which his lot was cast that Machiavelli's conception of the freedom of political morality remains obscure and confused in so many ways. But this must not prevent us from acknowledging ungrudgingly that the brilliant Florentine was the first to infuse into politics the great idea that the State is Power. The consequences of this thought are far-reaching. It is the truth, and those who dare not face it had better leave politics alone. We must never forget our debt to Machiavelli for this, even while we recognize the deep immorality of much else in his political teaching. It is not so much his total indifference to the means by which power is attained which repels us, although everything turns on how it is acquired and defended, but the fact that the power itself contains for him no deeper significance. In his teaching we find no trace of the necessity for power to justify itself after it has been won by its exertions for the highest moral welfare of the human race.

Machiavelli did not perceive how his doctrine of power for its own sake stands self-convicted of inconsistency. Whom did he choose for his ideal of a wise and able ruler? Cesare Borgia. But is it possible to see in this sinister man the ideal statesman, in Machiavelli's own meaning of the word? Nothing that he created was enduring. After his death his State crumbled directly. The ruin which it had brought to so many overtook it, and it perished miserably. The same fate must ultimately befall any power which tramples upon law, for in the moral world

nothing can give support which offers no resistance.

Now that Machiavelli's ideas can be seen in their naked uncompromising hardness, most men find the book of *The Prince* downright terrifying; nevertheless it has wielded immense influence up to the present day. Even the *coup d'État* of Napoleon III. was prepared according to Machiavelli's recipe, for the book is practical, and its precepts have been studied over and over again, especially in his own time. William of Orange carried it constantly under his pillow in camp. The whole seventeenth century is permeated by Machiavellism, a political science founded on disregard of the moral law. Towards the end of the century these "Reasons of State" which recked of nothing but political expediency neglected conscience to a point of which we can no longer form any idea. The ugly meaning which the mass of the people so long attached to the word "political" is a product of this period. Machiavelli's book was called the Devil's Catechism, or the Ten Commandments reversed. His name became a byword, and a whole array of writers rose up to oppose him, each one more moral than the last. It is a sad fact that so-called public opinion is always more moral than the deeds of individual men. The average man would be ashamed to confess or justify many of his own actions. It is incredible how far the ordinary man will go in moral vandalism if he can do so in secret. A deep despair from which he can see no escape may, if he listens to its promptings, turn him into

an enemy of mankind. It is natural therefore to all nations that public opinion which must face the light of day is far sterner than men's real secret thoughts.

With one brilliant exception the whole anti-Machiavelli literature is quite worthless. Who have been the chief opponents of the great Florentine? The Jesuits—and it is fairly safe to say that when the Jesuits attack anybody their enemy has been a great and noble man. Their hatred has two causes—Machiavelli's patriotism for greater Italy and the openness with which he preached what they daily practised. The whole of their polemic against him is inherently false, and not worth a farthing, politically or scientifically. Nevertheless Machiavelli fell into universal disfavour in the eighteenth century, which so loved to indulge its visions of universal brotherhood, which practised humanity as a profession, and was for ever smoking the pipe of peace.

It was at this time that *The Prince* fell into the hands of one of Machiavelli's greatest practical disciples. He had read it in a bad translation and with all the prejudices instilled into him by Voltaire. He had been told that it was the great text-book for tyrants. Let us look at the book through Frederick's eyes. Its precepts are written for a daring and courageous man, who has overcome obstacles by favour and fortune, who wields a tyrant's power over diverse governments, and has no scruples as to the means by which he maintains his State thus constituted. Such a tyrant must be especially

upon his guard against enemies who attack him with his own weapons. To a Crown Prince of Prussia, the scion of a royal house reigning over a loyal people, the teaching was bound to seem a diabolical form of folly. It was damaging to his princely pride. "Criminal hands must not steer the ship of state," he said. In addition we must reckon with the naïve pride of birth inherent in the genius of his nature, and possessed by him in fullest measure. It is absurd to speak of Frederick the Great as being free from prejudice. Hardly ever has a Hohenzollern been more imbued with ancestral pride, certainly not in the eighteenth century. This reliance on his blue blood was his inspiration. It nerved him to carry on his great struggle against all the world. It was from these causes that the young Prince arrived at a perfectly natural dislike for Machiavelli's book.

The critic of Machiavelli who is worthy of our notice as throwing light upon Frederick's own reign is valueless in himself, for he failed to pronounce the decisive judgment. It was left for the historical methods of the nineteenth century to rate Machiavelli at his proper value. It was then that the question was urgently raised as to how the State could attain its ends upon the ground of the universal moral law. Richard Rothes was the first to devote a considerable section of his Ethics to the subject of political morality. But all theologians suffer from lack of political knowledge, while on the other hand students of politics have seldom given their minds to the subject, from want of

the speculative instinct. Oettingen has done good work in this field, but he, too, is too much of the theologian. Franz Lieber, a German-American, must be mentioned among political writers. His political Ethics is unfortunately one of his youthful works, but though rather heavy and diffuse, it contains much sound thinking. More lately (1875) the late Chancellor of the University of Tübingen, Rümelin, included in his *Essays and Addresses* ("Reden und Aufsätzen") one upon the relation of politics to morals. Here is put into a few pages much which is really decisive. But upon the whole the literature upon the subject is poor, and we must attempt to form our own conclusions.

It is at once clear that as a great institution for the education of the human race the State must necessarily be subject to the moral law. There is no sense in the unqualified assertion that gratitude and generosity are not political virtues. Think for a moment of that frivolous and impudent free-booter, Felix Schwarzenberg. When Russia set Hungary once again under the heel of the Hapsburgs, he said with brutal mockery, "Some day the world will be astonished at our ingratitude." The creature was applauded for this political pronouncement—and what followed? When Austria fulfilled the prophecy soon after, in her war with the Orient, and was mad enough to ally herself with France and England, Russia was filled with passionate hatred against her, and has been her deadly enemy ever since.

No State ever made a more magnanimous

peace after a brilliantly successful war than Germany in 1866. We did not deprive Austria of so much as a village (although our Silesian countrymen desired Cracow, at the least, as a junction of highways), and has not our forbearance been politically justified? If a future alliance is possible between two Powers, fresh bitterness must not be added to defeats upon the battlefield. Here generosity went hand in hand with prudence.

Again let us consider the founding of the Customs Union, and how valuable to Prussia was the confidence which the small States reposed in the upright dealing of Frederick William III. Broadly speaking, it is not right to allow the fact of defeat to decide diplomatic relations. The credit which is a veritable source of power is far more readily won by a loyal and honest policy, and a State gains a certain moral strength from the confidence of its neighbours.

Journalistic heroes of the pen are fond of talking of great statesmen as if they belonged to a debased class of humanity, and of seeming to regard deceit as inseparable from diplomacy. Truly great statesmen have as a matter of fact always been distinguished by a noble openness. Before every one of his wars Frederick the Great laid down with the utmost clearness what he hoped to attain. No doubt he did not absolutely disdain the use of cunning, but, upon the whole, candour is one of his leading characteristics. How markedly Bismarck's grand frankness in large matters stands out amidst all his craft in single instances. It was one of his

most useful weapons, for when he stated plainly what he really meant, the lesser diplomats always believed exactly the reverse.

If we run our eye over all human callings, in which of them do we find the most deceit? Indubitably in commerce, and so it has always been. In the pursuit of trade, lying is reduced to a system, and diplomacy is innocent as a dove in comparison. The immeasurable difference between them consists in this. When an unconscientious speculator is telling lies upon the Stock Exchange he is thinking only of his own profit, but when a diplomat is guilty of obscuring facts in a diplomatic negotiation he is thinking of his country. As historians who seek to survey the whole of human life, we will lay down that the diplomat is far more moral than the merchant. His chief danger does not lie in deceit, but in the spiritual enervation of the atmosphere of drawing-rooms.

The subjection of politics to the universally prevailing moral law is recognized in practice. Treason and unrighteous dealing are carefully provided with pretexts which indirectly acknowledge that dominion. The occasions are rare when a political betrayal has been openly avowed, but in this form of naked cynicism the French have particularly distinguished themselves. Soon after Napoleon III. had brought off his *coup d'État*, he held a reception for his generals, and one of the marshals asked the significant question, "Sire, the Army is getting bored. When shall we strike?" But such unashamed impudence seldom occurs in politics. Even

when Philip II. undertook the cruel persecution and expulsion of the Moors he sent assurances to every court in Europe that he had tried every gentle means for their conversion.

We must then admit the validity of the moral law in relation to the State, and that it cannot be correct to speak absolutely of collisions between the two. A closer analysis shows that innumerable conflicts between politics and morals are really only between politics and legal institutions. But these are made by men and liable to error. The German Confederation of evil memory was so unsound in its very origin that its peaceful development was not conceivable. When the unanimous consent of all the so-called States which composed it was required to effect any change in its Constitution, it was obviously too unsound ever to be improved.

Moreover, the lapse of time may so alter a law which once was reasonable that it becomes folly. When changed social conditions turn law into its own enemy then collisions may occur. In the last resort all law is but a formula, and "Summum jus summa injuria" will be true for ever.

Politics will thus be sometimes compelled to fight against the forms of law, and it is unlikely that such a warfare will be one of principle. There are cases when there is in truth a conflict of duties, such as the individual has to face daily on a smaller scale. Here we come to the decisive question of what moral law applies, without qualification, to the State. Alexander von Humboldt built up a theory upon his oft-

repeated axiom that every positive religion contains a geological myth concerning the beginning of the Cosmos, an anthropological myth, and, thirdly, a moral code. In making this assertion he proved his misapprehension of Christianity, for where do we find in that religion the code to which our conscience yields unquestioning obedience? He was thinking of other religions of the East which arose in a theocratic world where the moral and the legal ordinances were one. Such were the majority of the Ten Commandments for the Jews, for with the exception of the injunctions to fear God and honour parents the Decalogue only contains legal commands. Christianity has now adopted the Decalogue, but how has Luther interpreted it in his Catechism, and what is the positive meaning which he has infused into its unyielding juridical formulae? The chief commands of Christianity are love and liberty for conscience. A moral code is exactly what is lacking, and therein its very morality lies. The name of Luther is immortal, because he once more reminded men that good works are valueless without good intention. For this reason also Kant's categorical Imperative was unable to exhaust the content of Christianity, for it did not admit of the element of personal freedom.

Since Schleiermacher it has been universally admitted that every Christian is bound to know himself, to develop his personality and act in accordance with it. The truly Christian ethic has no rigid standard; its teaching is, "Si duo faciunt idem, non est idem." Whoever,

by the grace of God, is an artist, and knows it, has the right to develop his gift before all else, and may put other duties in the background. It is due to the frailty of human nature that this cannot be done without moral conflicts and tragic guilt. It is part of the heavy burden of humanity that because man belongs to several communities at once the duties imposed upon him are bound to clash. It comes at last to this, that he attains the highest perfection possible when he has recognized and developed the most essential part of himself.

When we apply this standard of deeper and truly Christian ethics to the State, and remember that its very personality is power, we see its highest moral duty is to uphold that power. The individual must sacrifice himself for the community of which he is a member, but the State is the highest community existing in exterior human life, and therefore the duty of self-effacement cannot apply to it. As nothing in the world's history is its superior, the Christian obligation of sacrifice for a higher object is not imposed. We praise the State which draws the sword to fend off ruin from itself, but sacrifice for an alien nation is not only unmoral, but contradictory to the idea of self-maintenance, which is the highest content of the State.

It is necessary then to choose between public and private morality, and since the State is power its duties must rank differently from those of the individual. Many which are incumbent upon him have no claim upon it. The injunction to assert itself remains always absolute.

Weakness must always be condemned as the most disastrous and despicable of crimes, the unforgivable sin of politics. Some weaknesses of character are excusable in private life, but never in the State. It is power, and cannot be too hardly judged if it belies its essence. Consider the reign of Frederick William IV. We have seen that generosity and gratitude are political virtues, but only when they do not run counter to the chief aim of all politics, the maintenance of its own strength. In the year 1849 the thrones of all the little German princes tottered. Frederick William took a perfectly justifiable step when he marched Prussian troops into Saxony and Bavaria, and restored order there. But then came his deadly crime. Were the Prussians there to shed their blood for Bavaria or Saxony? An enduring gain ought to have been secured for Prussia. She held the pigmies in the hollow of her hand. It was only necessary to leave the troops there until the rulers had submitted to the dominion of the new German Empire, but instead the King simply allowed them to withdraw, and was mocked by the princelings he had rescued, the moment his back was turned. That was no less than idiotic weakness, and Prussian blood was shed to no purpose. It is equally part of the essence of the State to uphold and impose its will within its own borders. A State which permits the slightest doubt about the firmness of its purpose and the enforcement of its decrees, shatters respect for law. Recollect the long period of sentimentality when the German princes retained

the right of pardon. Philanthropists had wailed so much over the immorality of the death penalty that the rulers were infected by their ideas, until at length no one was ever executed in Germany. Then, for our salvation, came Hödel's abominable attempt, which stiffened our princes' backs once more. This sentimental retention of the right to pardon was utterly immoral. It was accorded in the first instance in order to adjust the balance between the hardness of the objective ruling of the law and the subjective abnormal circumstances of the individual criminal,—but it was never intended to abolish capital punishment entirely.

It is a further consequence of the essential sovereignty of the State that it can acknowledge no arbiter above it, and must ultimately submit its legal obligations to its own verdict. We must beware of judging a great crisis from the advocates' philistine standpoint. When Prussia broke the Treaty of Tilsit the civil law would have pronounced her wrong, but who would dare assert that she was guilty now? Not the French themselves. This applies to international treaties less devoid of all morality than that which Prussia was compelled to conclude with France. Every State reserves to itself the right to be judge of its own treaties, and the historian must not condemn, without searching deeper to discover whether it is fulfilling its unqualified duty of self-maintenance. It was the same with Italy in 1859. Technically Piedmont was the aggressor, and Austria and her hangers-on in Germany missed no oppor-

tunity of moaning over the disturbance of the eternal peace, but in reality Italy had been in a condition of siege for years. No noble nation can endure such a position, and it was Austria, not Piedmont, which was the aggressor in fact, since for years she had injuriously trampled on the highest rights of the Italian people.

The maintenance of its power then is a task of incomparable grandeur for the State, but lest it should contradict its own nature the goals it strives after must be moral ones. The crude land-grabbing which Napoleon I. practised is not only thoroughly immoral, but unpolitical in the highest degree. France had not the strength to assimilate all its spoils, and, like Napoleon, it aimed at being the leading State in Europe. It was a sin against the spirit of history which strove to turn the rich diversity of nations knit by a bond of brotherhood into the empty form of a single World Empire. This policy of unabashed robbery destroyed itself at the finish. When Napoleon began his career his Army was the best in Europe. It was inspired by the spirit of real enthusiasm and an admirable discipline. What a change had come over it by the year 1812! Napoleon only brought one quarter of his Army back from Moscow, although he had suffered no defeat upon the battlefield. It was moral disintegration which really decided the Russian campaign.

We recognize now that the world-capturing policy of our old German Empire was likewise a colossal blunder. It accumulated provinces whose nature forbade their complete embodi-

ment in the National State. We have been punished for this crime by centuries of passive cosmopolitanism. Likewise it is both unpolitical and immoral for the State to interfere forcibly and oppressively in the religious life of its subjects, for here it trespasses upon their rights. By persecuting and expelling so many of the best of her German subjects during the wars of religion, Austria inflicted a blow upon the Germanic element within her State from which it has never recovered.

Thus the State cannot disregard with impunity the law to which its moral being is subject. Statecraft demands a man of iron nerve, able to carry many inevitable conflicts to a victorious issue. Above all it requires a commanding intellect. Wisdom is not merely an intellectual but a moral virtue in the statesman who is responsible for the fate of millions. He must be able to see things as they really are, and to refrain from laying clumsy hands upon matters beyond his grasp. Likewise the historian must keep his mind perfectly free from bias if he is to rate the world of politics at its proper value. We know at once whether he possesses the true moral instinct, by his reasonable and unprejudiced treatment of great statesmen. The student whose horizon is bounded by his study walls can form no correct judgment of real affairs. Schlosser finds the most fitting and noblest aim of life in an unruffled contemplation. He is more sympathetic than Gervinus, but they are both examples in themselves, in their insupportable learned arrogance, of the evils of

their own theory. When we read the correspondence of Lachmann and Haupt we are appalled to see that such wealth of learning can be combined with such poverty of culture. Every moral judgment of the historian must be based on the hypothesis of the State as power, constrained to maintain itself as such within and without, and of man's highest, noblest destiny being co-operation in this duty. Ethics must become more political if Politics are to become more ethical; that is to say that moralists must first recognize that the State is not to be judged by the standards which apply to individuals, but by those which are set for it by its own nature and ultimate aims. Political life will then appear to them infinitely more moral and more human than heretofore.

Up to this point there will scarcely be any conflict of serious opinion, but the most difficult question arises when we come to consider the extent to which the State, to attain political ends which for it are moral, may employ means which everyday life would reject. No one can deny that the well-known Jesuit proverb contains a modicum of truth, although its expression is too crude and uncompromising. In public, as in private, life there are unfortunately too many cases where it is not possible only to have recourse to means which are absolutely above reproach. Whenever it is possible to attain an end which is moral in itself by methods which are also moral these should be preferred, even when they lead more slowly and more circuitously towards the goal.

We have seen already that truth and frankness have much more power in politics than is commonly supposed. The more modern view is that man's impulse for truth is not innate but artificially introduced into the received standard of right by considerations of expediency. This is not so. An instinct for truth is born within us, and its only variations are those due to time and race. We find it even in Orientals, the most deceitful of all peoples. The Nabobs recognized it in Wellington's elder brother. They knew him for a man who always said what he really thought, and this was the secret of his immense influence in India.

Upon the whole, however, it is clear that the political methods of dealing with races upon a lower level of civilization must be adapted to their capacity for feeling and understanding. The historian who judged European policy in Africa or the East by European standards would be a fool. There coercion by terror is necessary for self-preservation. We must not blame the English who in the imminent peril of the Indian Mutiny bound Hindus to the cannon's mouth, and blew their bodies to the winds. It is evident that the situation demanded such measures, and we cannot condemn them if we accept the English contention that England's rule in India is beneficial and necessary.

The standards of relativity apply to periods as well as places. When we consider how frequently States have lived for decades in a condition of veiled hostility to each other, it is evident that this latent war must give rise to

many diplomatic ruses. Take the negotiations between Bismarck and Benedetti. Bismarck hoped that a great war might perhaps be avoided. Was he not acting morally in the fullest sense when he put off Benedetti's impudent demands with half promises of Germany's agreement? Under the same conditions of latent war we may use the same arguments to defend the bribery of another State. It is absurd to bluster about morality in the face of such circumstances, or to expect a State to confront them with a Catechism in its hand. Before the outbreak of the Seven Years' War Frederick had a premonition of the storm about to burst over his little Kingdom. He bribed two Saxon-Polish Secretaries in Warsaw and Dresden, and received information from them which happily proved exaggerated. When the salvation of his noble Prussia hung in the balance, should King Frederick have boggled over a respect for the incorruptibility of officialdom in the Principality of Saxony? Every State knows what it may expect of the other. There is not one which would not stoop to spying when circumstances require it. It is only important not to overrate the value of the methods which must be permitted to the Foreign Office of every great nation, for the rôle they play is not an important one.

When we turn to the internal Administration of our own State a great contrast presents itself. There morality must be infinitely purer and more lovely, for the institutions of our own State are sacred to us. Where party politics are concerned the seeds of corruption are to be found

everywhere, and they sometimes spring up in our Parliament in secret and indirect ways. Bribery is occasionally practised by those interested in great industrial undertakings, but seldom in proportion to their extent. Let us compare ourselves in this respect with Spain, or with the Parliament of England half composed of Railway Directors!

It is not our business here to enumerate all the possible occasions where collisions between duties may arise, and I can only cite a few to form a standard for historical judgment. There has been a wholesome change in the view held formerly as to the justification of political murder. Except by the extreme and most abandoned sect of Radicals it is now universally condemned by public opinion. When Kotzebue was killed, all the teachers declaimed about Harmodius and Aristogeiton, although it was in fact not only an abominable assassination, but also an act of folly. For what change did the death of the wretched Kotzebue effect in Germany? The deed was senseless as well as immoral. Nevertheless a memorial to the murderer, Sand, stands to this day upon the Friedhof at Mannheim.

Consider upon the other hand how public opinion condemned the attempt of the Russo-German, Becker, upon the life of the Prince-Regent William. It was an equally vile crime, but from Becker's point of view it was certainly not foolish, for if it had succeeded the Radical party would have reaped great advantage. But that no newspaper sought to defend it in the mildest degree bears testimony to the growing

clearness of public opinion. Daniel Manin, in his splendid *Letters from Paris*, denounced assassination, which had become the fashion in modern Italy, and showed that it required an open honourable warfare to put down violence by violence. Yet with all this we dare not talk of the absolute advance of the human race beyond all reach of this moral danger, for when we read of the proceedings of the Anarchists at this present time we understand that it is possible to fall into it again.

The act of Charlotte Corday shows how hard it is to pronounce a moral verdict upon political murder. Although she committed the crime deliberately it is evident that her tragic fate cannot be judged in the same way as that of a common assassin. Then take the period of Napoleon I. when Heinrich von Kleist himself entertained the idea of ridding his country of its oppressor by violent means. Such temptations may assail even noble hearts. And so it goes on. There may be cases even in the life of the individual where the end in view is so lofty that its attainment justifies the injury inflicted upon lower ideals. No man ever went through life with absolutely clean hands and no clashing of duties. In any case there is no walk of life more moral than the statesman's, who on his own responsibility guides his country through quicksands. So Hardenberg once declared. No higher or harder moral task can be set for any man than to spend the whole strength of his personality in the service of his people. We must not belittle or conceal the tragedy of guilt

which sometimes clings to great names, but neither should we examine the leaders of the State with the eyes of an attorney. We are still suffering from the after-effects of the political cynicism which the miseries of the Thirty Years' War brought upon Germany. The statesman has no right to warm his hands with snug self-laudation at the smoking ruins of his fatherland, and comfort himself by saying "I have never lied"; this is the monkish type of virtue.

One more question arises naturally in this context. How far is the individual responsible for the morality of the State to which he belongs? Here the Natural Law, which defines the State as nothing but a collection of small individualities, goes seriously astray. We have already recognized that *la volonté générale* is not the same thing as *la volonté de tous*. The pure individualism of the Natural Law teaching came to the preposterous conclusion that the citizen has the right to desert the State if it declares a war which he holds to be unjust. But since his first duty is obedience, such unfettered power cannot be granted to his individual conscience. For me, the upholding of the mother country is a moral duty. The machinery of the political world would cease to revolve if every man made bold to say "the State should not; therefore I will not." We know of wars which have proved to be absolutely necessary, which have nevertheless been repudiated by the nation and its spokesmen. We have therefore no assurance that the subjective judgment of the individual citizen is nearer the truth than that of the King or the

Minister responsible, who command so much wider a political horizon. I cannot be held responsible for a war which I personally do not approve of, but I am still under the obligation to serve my country if it breaks out. There is no vindicating the step taken by certain Prussian officers in the year 1812. Twenty-five of them, including the future War Minister, von Boyen, and the military writer, von Clausewitz, went over to Russia when Napoleon compelled Prussia to fight by his side against her. They held it incompatible with their honour to continue to belong to a nation which in their over hasty judgment had compromised its own. Sentiment is on the side of these men, but youthful enthusiasms must not blind us to the deeper question of whether their action could be held up as an example for every one to follow. What would have become of us if every officer had gone over to Russia ? Yorck had his reasons for his bitter hatred of these seceders, and we are driven to admit that finer moral quality was shown by such men as himself and Blücher and Bülow, who endured beside their king to the end.

The individual should feel himself a member of his State, and as such have courage to take its errors upon him. There must be no question of subjects having the right to oppose a sovereignty which in their opinion is not moral. Cases may arise when the State's action touches the foundation of the moral life, namely, religious feeling. When the Huguenots in France had their religion proscribed, and were commanded to worship their God under forms which their

deepest conviction held to be unchristian, conscience drove them out from their fatherland, but we must not praise the fine temper of these martyrs for religion from the standpoint of the theologian without recognizing the degree of tragic guilt which is always blended with such moral compulsion. The Huguenots who left their homes were gallant men, no doubt, but each of them had a bitter conflict to fight out within himself before he placed his love for the Heidelberg Catechism above his hereditary love for his country and his king. In modern times there have been Radical parties who have in their vanity imagined themselves faced with a similar struggle, which had in fact only a subjective existence in their own exalted imagination. This was the reason why a number of the German-Americans forsook their fatherland. It is foolish to admire them for this. We must always maintain the principle that the State is in itself an ethical force and a high moral good.

IV

THE RISE AND FALL OF STATES

When we speculate upon what were the first beginnings of State construction, we find that Aristotle was not far wrong when he naïvely defined the State as an emanation of the family. In all probability the first form of organized State was a tribal community, founded upon blood relationship. As we know that the original form of marriage was group wedlock, it is not difficult to understand how kinship was the earliest political bond. Permanent dwelling together in the same place had no great influence upon the formation of the State until much later times. The gregarious instinct is not unconditional in our race, it was strengthened as much by the impulse of hostility to the alien as by the other impulse of adherence to the tribe to which a man belonged. Political history dawns on a world of petty States. The next step brings us to intertribal conflicts and a combination of larger masses into a common organization. Spoliation and conquest actuated the formation of larger States, which did not arise from the sovereignty of the people, but rather were created

against their will, the State being the self-authorized power of the strongest tribe.

There is nothing in this to deplore. Physical force must be the deciding factor under such primitive conditions, and the power of the conqueror is morally justified by its protective and consequently beneficial action. Thucydides has expressed this with penetrating insight in the Introduction to his *History* which contains so many brilliant passages of genius. He describes how the half-mythical Minos captured the lordship over Crete, and how he used his power to sweep the seas free of pirates, and thus made his sovereignty beneficent and tolerable.

We learn from history that nothing knits a nation more closely together than war. It makes it worthy of the name of nation as nothing else can, and the extension of existent States is generally achieved by conquest, even if confirmed by Treaty according to the results of the appeal to arms.

War and conquest, then, are the most important factors in State construction, but not the only ones. In the East we often see the founders of a religion assuming the task in virtue of a Divine Commission. The separation of Church and State makes this impossible in Europe, but many dynasties labour by peaceful methods for the same end. Austria is a very peculiar example, for, as the Italians say, she is no State, only a Family. Here a reigning House has contracted marriages in every possible direction, until by matrimonial treaties and exchanges it has gathered

to itself a collection of provinces which had no common bond of origin.

But History is not after all unreasonable enough to sanction the continuance of States thus formed. It is no accident which has sooner or later wrested its outlying territories from the House of Hapsburg. The progress of civilization has made it ever more evident how important geographical solidarity must be for the State. There is a prevalent desire to round off possessions into a domain capable of supervision, in which one language is spoken. Thus Austria has made herself a Danubian State. In the sixteenth century, under Charles V., her possessions lay scattered over the world; for us, however, he was not the founder of her power, but rather Prince Eugene of Savoy, and Charles of Lorraine, who conquered for her the lands now appertaining to the Crown of Stephen. The kingdom of Hungary was, as a matter of fact, in the hands of the Turks, and it was after it passed into those of Austria that the Empire was founded which has maintained itself for two hundred years.

Voluntary agreements provide another method for State construction, although no State was ever created by contract, for it takes its being from the capacities born in the human race for which it alone provides the proper atmosphere. States already existing can, however, be reshaped by Treaty, and the foundation of the State of California furnishes an example. Mexico had abdicated her sovereignty and the land was without a ruler; without a State it could not exist. Adventurers of every nation poured into

it. The search for gold brought murder and violence in its train, against which the methods of Judge Lynch were unavailing. At last the conditions became intolerable even to those brutal natures, and they constituted themselves into a kind of free democratic assembly, on the North American pattern, and determined to found a State and to beg for its admission into the Union, whose model for a Constitution they adopted. In this manner a State was established by contract, and took its place in the great North American Federation.

This, however, was an exception, and the circumstances were abnormal. States are far more often founded by the sword. We observe an unceasing tendency in modern history towards the building of a great national power from a small centre, which begins with the mere lust for power, and by degrees grows in consciousness, until it draws the strength which unites it from the recognition of its common nationality. A united England grew thus out of Wessex. Then this Anglo-Saxon kingdom conquered Ireland and Scotland and imbued them with its own culture. The development of France was analogous. In this case the Isle de France was the microcosm of the ethnographical conditions in Gaul, and the uniting factor for the whole country. In Spain it was Castile, and in Russia the great Muscovite Empire grew gradually out of the Warangian Kingdom of Rurik.

The course of history in Germany and Italy has apparently been very different, but if we look more closely we see that the development

is really the same, although infinitely slower and more complicated, because the two great cosmopolitan powers of the Middle Ages, the Papacy and the Empire, of which these two nations were respectively the centres, were obstacles to national consolidation, whether consciously or not. In both countries we can detect a peculiar searching and striving for some new pivot for public life. Germany had no capital city. Rome was Papal, and consequently utterly estranged from the national life. Popes like Alexander III. have from time to time harboured plans for national unification, but the Papacy cannot and must not assume an out-and-out national attitude. The parallel between the two countries is continued when they both exhibit the marvel of a frontier province asserting itself by its military efficiency until it finally takes dominion over the rest. There is one respect, however, in which Germany and Italy differ from the other countries abovementioned. They do not trace their culture to any one particular source within their own boundaries. It is true that we Germans have adopted the dialect of Central Germany for our classic language, even as the Italians have taken the language of Tuscany, — but neither Tuscany nor electoral Saxony have been singled out as models of culture for the rest of the nation.

There are States which are, rightly or wrongly, termed artificial.

Rightly, when their geographical position is one which they cannot hope to maintain permanently, or when the power they wield is

disproportionate to their actual strength. In the seventeenth century Sweden and Holland were artificially ranked as great Powers. When the country which gave Luther birth failed of courage to pursue a great Protestant policy, these little States had stepped into the breach, Holland by sea, and Sweden on land. We are bound, however, to admit that their position among their fellows was artificial. A country like Sweden could not permanently control the mouths of the Elbe and the Weser and the whole coast of the Baltic, and dictate her policy to Germany. There were, moreover, physical reasons why England finally gained the upper hand in her long rivalry with Holland, whose three million inhabitants could not provide the human material required to colonize an entire continent.

Holland and Sweden, then, were not naturally great Powers. But we must be cautious in our use of the phrase artificial State.

After 1815 friend and foe united in applying it to the reconstructed Prussia. They believed that only an extraordinarily wise Administration could supply the deficiencies of her natural unity. William Humboldt reverts again and again to this contemporary opinion. It was entirely false. What was there artificial in the composition of Prussia before 1866 ? Nothing, certainly, in the coupling of Pomerania and Westphalia under one authority, for they agreed perfectly. If the crux were anywhere it was with the people who dwelt between them, and were not under the same dominion. The State was immature, but artificial it was not. The inward national unity of the

German race was its foundation, the superstructure was left for the process of development to complete.

In contradistinction to this, there are States whose existence is more due to their neutrality than to the impulse of a strong nationality. Such are Switzerland and the two Netherlands, who only continue because their territory is of such high strategic importance that their neighbour Powers begrudge it to each other. This does not give us the right to call them artificial. The normal method of national State construction, however, is also the most truly great,—by the gradual linking up of the kindred peoples with the ruling political centre.

We have already seen how superior large States are to small ones. They are especially so, because we must look to them for a new and peculiar kind of State building, through colonization. This means the leading forth of the population of an existing State, not merely as an emigration of the ruling race, but to plant in new territory a dependency for the mother country which remains the same. Since we have reached a stage in civilization where race migration is impossible in the mediaeval sense, the wandering instinct finds satisfaction in colonization. When once the trained resources of labour and capital of a civilized nation are poured forth upon the virgin soil of a savage country and there allied with Nature, the three great forces of production co-operate so effectively that colonies progress with incredible rapidity. Such new-born States have other natural char-

acteristics. In the first place, they have no history, for every inhabitant has been uprooted from his old home and its inherited associations. Hence the rationalism and materialism of colonial life, which worships wealth as the highest of all goods. Colonies generally display a brilliant development of economic life, but alongside of it an inward aridity and poverty of intellect and a sordidness of existence.

These contrasts between the parent State and its children are obliterated by time, especially when the two are geographically united. The history of Germany is particularly instructive on this point. The Mark of Brandenburg in the Middle Ages was obviously a colony. Prussia still more so. There was no question of an intellectual life on the Weichsel or the Pregel in earlier times, but what a development it could boast of later! This colony had the good fortune to remain in close contact with the mother country, and from being a stout buffer against the barbarian, with a virile but sterile history it was transformed into a land worthy to be the cradle of Kant and Herder. This is possible when the colony keeps touch with the older State, and when links of intellect and sentiment are gradually forged between them; but the cases are rare and exceptional. When the separation is wide the materialistic tendency in colonial life asserts itself. The colonies of ancient Greece in Sicily and Southern Italy are examples of how the "smartness" of the American is not an exclusively modern trait, for Alkaios sings of it in true colonial fashion:

χρήματα, χρήματ' ἀνηρ.

(Gold, gold is the man.)

A further peculiarity of colonies is their trend towards Democracy, inevitable where youth exercises so much more influence on public life than it does in the older Europe. Marriages are earlier, and an extraordinarily rapid increase of population results, which would be impossible in countries of a more ancient civilization. It sometimes happens in America that father, son, and even grandson are all prominent in public life at the same time, whereas with us if the father is a general, a minister, or a merchant, the son is usually a lieutenant, a student, or a clerk, and therefore in quite a subordinate position. Youth has always been more radical than age, and here is the adequate explanation of the Democratic tendency in colonies. Their rapid progress, and the early maturity of their life, is, however, an obstacle to a high degree of culture. They lack the concentrated atmosphere of scientific and artistic education which is only to be found in countries with a long history behind them. The great Syracusan was Archimedes with his Yankee mastery of the technical side of science. The finest fruits of Hellenic genius remained on their native soil. It is scarcely thinkable that the American colonies can ever produce a culture to equal what we have in Europe, and Washington's hope has hitherto remained unfulfilled.

All great nations in the fulness of their strength have desired to set their mark upon

barbarian lands. All over the globe to-day we see the peoples of Europe creating a mighty aristocracy of the white races. Those who take no share in this great rivalry will play a pitiable part in time to come. The colonizing impulse has become a vital question for a great nation.

The Phoenicians, who were the first people in history to recognize the majesty of Commerce, were also great colonists. After them came the Greeks, with their settlements on the east and west of the Mediterranean basin; the Romans followed; then in the Middle Ages the Germans, the Spaniards, and the Portuguese; finally the Dutch and the English; and then for a long time the Germans were quite ousted from the ranks of the maritime powers.

Agricultural colonies are undoubtedly the most favourable for national life. In places which have been thickly settled by the mother country, where economic conditions are suitable, and where the climate more or less resembles our own, the population may rush ahead as it has done in America. On the other hand these are the colonies which are the most apt to turn against the parent State, and try to cut themselves loose from her. England has been warned by experience how to guard against this danger, and accords a degree of independence to her colonies which even goes the length of permitting them to raise a protective tariff against her.

The mutual relationship between colonies and the mother country is one of the most delicate problems of history; and we must be careful

how we seek to determine it by any natural law from the historical world, putting the problem of slavery aside. Nowadays nobody would maintain that colonies must necessarily break away. It is probable that Canada will do so some time, principally because of the large French element she contains, but it is more than doubtful whether Australia will pursue the same course. A moderately wise policy on the part of England might easily prevent it. It depends upon the men at the head of affairs in both countries, and their ability to read the signs of the times. But even if England were forced to give up part of her colonial possessions they would still be an inestimable economic and moral advantage to her, for a common language is a most important aid to trading. It is the reason why America's principal commerce is with England. A country never quite loses a colony which is bound to her by speech and culture, even if the political bond be snapped. The relations between America and England are a proof of this, and its meaning is of incalculable importance when we bear in mind that the world contains, at the present day, nearly three hundred millions of English-speaking people.

We, on the contrary, realise to-day what opportunities we have missed. The consequences of the last half century have been appalling, for in them England has conquered the world. Continuous friction left the Continent no leisure to turn its eyes across the seas to where England was capturing everything. The Germans have

been forced to acquiesce because their hands were so full with their neighbours' quarrels and their own. There can be no doubt at all that a great colonial development is a benefit to a nation. It is the short-sightedness of the opponents of our colonial policy which prevents them from understanding that the whole position of Germany depends upon the number of German-speaking millions in the future.

It is madness to say that the exodus of Germans to America is an advantage for us. What good has it done to Germany that thousands of her best sons have turned their backs upon their fatherland because they could not earn their living at home ? They are lost to us for ever, for although certain natural ties may still bind the emigrant himself to his native soil, it is probable that his children, and certain that his grandchildren, will have ceased to be German, for the Teuton learns all too easily to abjure the land of his birth. Neither are they in a position in America to maintain their nationality. It is with them as it was with the Huguenots who wandered into Brandenburg and were generally more cultivated than the dwellers in the Mark, and yet were swamped by numbers, and lost their own national stamp. Nearly one-third of the North American population is of German origin. What priceless material we have lost, and are still losing, in them, without the smallest compensating advantages. We forfeit their labour as well as their capital, and their financial value to us as colonists would be inestimable.

Thus every colonizing effort which retains its single nationality has become a factor of immense importance for the future of the world. Upon it depends the share which each people will take in the domination of the earth by the white races. It is quite conceivable that a country without colonies may cease to rank as a great European Power, however strong it may be. Therefore we must never become rigid, as a purely Continental policy must make us, but see to it that the outcome of our next successful war must be the acquisition of colonies by any possible means.

Not agricultural colonies alone are of great importance for the parent State ; there are also plantation colonies, where a prolonged sojourn is impossible for Europeans, but where natives enter the service and purvey the valuable products of their cultivation. Whoever crosses the Dutch frontier between Cleves and Nimwegen can see for himself what economic marvels the Tropics can provide. Cleves is a perfectly prosperous little town, where there is no question of poverty ; but Nimwegen seems to belong to a different world, with its magnificent pillared and balustraded villas. These are the riches of India, Java, and Sumatra—a wealth of luxury far beyond the dreams of a German provincial town.

Mining colonies are also very valuable to a country, but their healthy development is made difficult by the uncertain nature of the industry. There are three kinds of colony which always bring gain to a State and are springs of economic

strength — plantation colonies, mining colonies, and purely trading colonies. But in these last, again, a people may outgrow tutelage and feel themselves ready to shake off the alien yoke of capitalist forces. The commercial dominion of a stranger is always hated, and a people who must bow to it find it a heavy burden. Who was it who first showed the Scandinavian and the Muscovite the wide horizons of their own nationality? Copenhagen was as German as Novgorod. No sooner did this people awake to consciousness than they rid themselves of the rule of German money-bags, and we cannot but admit that Gustavus Vasa did a heroic and a necessary action when he set Sweden free.

The Germans have carried out the greatest colonization which the world has seen since Roman times, and we have made trial of it in all its forms. The Greeks had already designated two of them, the *ἀποικία*, which means the unfettered influx of social forces into the new barbarian country to be colonized, and then the *κληρουχία* or State-directed colony, where each individual receives the appointed share meted out to him by Government.

This form was the most common in antiquity, but it has given way before the purely modern need for social and economic expansion. Nevertheless our country can point to colonies formed upon the second principle; the Marks, for instance, were settled in accordance with it. We can trace its influence in the peculiar system of communal administration in Brandenburg, where the settlement of the land was directed

by an official nominated by the Markgrave. The lands of the Teutonic Order were colonized in the same manner.

The civilizing of a barbarian people is the best achievement. The alternatives before it are extirpation or absorption into the conquering race. The Germans let the primitive Prussian tribes decide whether they should be put to the sword or thoroughly Germanized. Cruel as these processes of transformation may be, they are a blessing for humanity. It makes for health that the nobler race should absorb the inferior stock. Even when a people of higher cultivation are suddenly overthrown by one that is savage, or half civilized, the same result is attained by the subtle power of intellect, as Hegel calls it. In such cases the victor soon adopts the speech and customs of the vanquished. These are strange happenings, and intensely fascinating to the historian, since in them the workings of the Divine Reason can be more clearly traced than ever. We see how the wonderful drama has been played throughout the history of the Latin nations since the time of the migration of races.

The new races of Spain, of Italy, and of France are of mixed blood with their German conquerors, whose superior physical strength was overcome by the civilization of the weaker race.

The normal condition naturally is that the political victor should be in a position to impose his culture and manners upon the people he has subjugated. This the Germans did, as we have seen, in the territories belonging to the Teutonic Order, but farther east, in Esthonia and Kurland,

we were not strong enough to effect this complete colonization. The German invasion rolled its full tide over Prussia, but the Hanseatic Fleet conveyed only a few shiploads of settlers to Livonia and Esthland, these principally from Westphalia. In these two countries the Teutonic immigrants only formed as it were a thin crust over the mass of the population, who remained un-Germanized. The nobility and the upper classes were German, and assumed dominion over a people who were not. But since every nation is rejuvenated from below, it is the peasant population which decides nationality. We may depend upon the re-Germanizing of Alsace, but not of Livonia and Kurland. There no other course is open to us but to keep the subject race in as uncivilized a condition as possible, and thus prevent them from becoming a danger to the handful of their conquerors.

States, then, may take root and grow in many various ways, and German history gives lessons in them all. After a political struggle, in which, alas! we left her in the lurch, Holland rose from a tribe into a nation, and consciously and deliberately transformed her sailor dialect into a literary language. The Swiss Confederacy grew likewise out of Germany. By the thirteenth century the Swiss had attained a degree of security for which the German Empire was still long to strive in vain. The Empire no longer protected Switzerland, who therefore protected herself, and her little community gradually developed a political mind so peculiarly its own that any return to the Germany which cradled

it is now no longer to be desired. In the countries which are preponderatingly German the French element is given full freedom to expand; in French Switzerland, on the Lake of Geneva, we see the Protestant offshoot of the French-Catholic stem. In the West likewise many an outpost of the Empire has developed into an independent State. It is possible that Holland at least may some day return once more to its ancient Fatherland, and such a reunion is most earnestly to be desired.

We see Austria becoming more and more alien to the German national spirit, while Prussia, the second great settlement of Germans in the east, pursues the exactly opposite course, and identifies herself deliberately more and more closely with Germany.

Thus the eternal transmutations of history are very clearly to be traced in our own country. Its very outline has continually changed. The lands which lie between the Rhine and the Elbe are the only ones which have always belonged to Germany, for the territories to east and west have been subjected to perpetual alteration. Fully a third of our existing Empire are lands which we have colonized. We must remember that countries cannot be divided by rule of thumb, and that other factors, besides pure reason, have helped to draw the map of Europe, for States will be for ever shaping themselves anew.

It is not easy to decide scientifically the precise moment of the birth of a new State. It is clear that when the Prince of Orange came to

England in 1688 no new State arose, and that what took place was merely the further development of the State already existing, whereas a new State was actually formed with the Norman Conquest in 1066. The conditions in Germany are less simple. The present German Empire considers itself only as the legal successor of the North German Confederation, although in relation to the older German constitutions it claims to be a completely new State.

But this purely juridical standpoint will not content the political historian. He sees that the German nation has always been actuated by the same constructive political impulse, and that Germany has been a cohesive State for more than a thousand years. The German Empire is founded on its historic right to the title.

There is no truth more important for the political development of a people, than the old one that a State is maintained by the same forces which have helped to build it up. This is the reason why all healthy States have always had a conservative tendency. This applies to all their forms. We hear much of the inconstancy of the Athenian Democracy, but in actual fact, when a crisis arose, they reiterated the decree that the ancient custom and law of the State should still hold good. The same conservative inclination swayed the Romans, who held by their existing institutions in doubtful cases. All great nations have this true political instinct, the very opposite of the shallow Radicalism which loves novelty for its own sake. Very old peoples are almost exaggerated in their

conservatism. It is acknowledged that England changes her laws too seldom, inasmuch that the old ones stand unrepealed, merely with new clauses added to them, so that we may find the English Parliament appealing to precedents dating from the fifteenth century. The Americans also display this turn of mind very strongly ; their Constitution has only been once changed by a couple of paragraphs in a hundred years. They pay a worship to their forefathers which may be overdone, but is right in the main. A people which fails in respect to an existing Dynasty or to great inherited institutions is politically unfit.

This must not imply that perpetuation is the highest duty for a State, for its gift to posterity naturally depends upon the value of its achievement in the present ; otherwise we should have to find our ideal in the stagnant political life of the countries ruled by oriental despots. Pauses in national development may occur even among peoples whose national life is healthy, and if long continued they are attended by the worst consequences for the State. Germany and Italy have experienced them, and have had to expiate them bitterly. What would we not give to strike out of our history the century which elapsed between the religious Peace of Augsburg and the Treaty of Westphalia ? Our national progress was at a complete standstill, and after the Thirty Years' War we had as a nation to be not only born, but trained afresh, and let slip the precious time in which other nations were working for expansion and security.

When the ancient institutions of the State are no longer adapted to changed social conditions, the law must be renewed and remodelled, for it can be nothing but the expression of given social forces. When such reconstruction proceeds upon the lines of law we call it Reform; but there are moments in the history of every State when the legal sanction cannot be given, or is made impossible by human passion. Force steps in, and we speak of Revolution. This word took its new and pregnant meaning in the days of Henry IV. of France, when this king was converted to the Catholic beliefs of the majority of his people. Then all at once the League followed the white plume of the Bourbon, to which they had but lately refused allegiance. When the question was put to one who openly displayed the tokens of complete conversion, how this had so suddenly come to pass, he answered simply, "Que voulez-vous, c'est la révolution." Since then Revolution has meant a violent reversal of political conditions.

There is no principle in Revolution, either for good or evil. The French in their time have called it holy, while German conservatives like Stahl after 1848 looked upon it as a work of the devil, which should be combated always and everywhere. Both were wrong. In itself a revolution is always unrighteous, for the violent disturbance of authority contradicts the reason residing in the State. Therefore, since no revolution can be blameless we will leave it to those natural philosophers who trespass upon the domain of the historian to prate of innocent

and virtuous revolutionaries. But because we have seen that the life of history always contains the tragic element of guilt, we can see also that Revolution need not be absolutely condemned as diabolic. The constitution of some States is so at variance with reason that their peaceful development is impossible. No reform could mend the German Confederation, and the crisis of 1866 was undoubtedly a revolution, for the Confederation was framed with a rigidity which was to endure for ever, and the withdrawal of one member would shatter the whole. Yet no one can deny that this revolution was a moral necessity. History affords no instance of a State which has accomplished its development without revolution. The Prussian State was founded upon a tremendous one—the secularization of Prussia, then subject to the Teutonic Order. The theocratic authority which had sunk into the sloth of hypocrisy and deceit, and which yet from its very nature bore the motto, "Sint ut sunt, aut non sint" upon its banner, was routed by freedom and progress. In this case even the Ultramontane tacitly admits that the old system could no longer be upheld. Again, who dares condemn the revolt of the Netherlands against Spain? The soul would be servile indeed which denied its moral justification and necessity.

This being so, and if there is no State whose history does not record some such rightful defiance of law, we cannot admit the absolute evil of revolution. It is clear that there are many instances where morality is on the side of revolt. But in every one of them the reverence

for law has been shattered; social passions, above all covetousness, have been aroused, and damage done which is hard indeed to repair. The kind of revolution from above which we call a *coup d'État* can of course be carried out with a certain seeming orderliness; it has the advantage of being quickly accomplished, and when prudently guided the old tranquillity is apparently soon restored. On the other hand, repeated *coups d'État* can injure beyond remedy the respect for constituted authority. When a nation has experienced many of them it may lose its instinct for legality and its standard of right, and become as frivolous as the French, the Spaniards, and the South Americans to-day.

A different kind of peril attends the revolution from beneath. Passions rage more unrestrainedly, but the inward recognition of new conditions is accomplished with less difficulty, and law-breaking is more easily remedied. Both types, however, are diseases of the body-politic, and nothing is more unworthy than the worship of revolution as a holy thing. The historian should always investigate calmly whether it can be justified on deeper moral grounds. He is well aware that no State has ever yet kept to the strict letter of the law. As the world-wise old Venetian Sanudo once said, "No gold is without alloy; no government is without taint of usurpation."

Moreover, it is a doctrinaire interpretation of history to force a distinction between a legitimate and a revolutionary State. Who was the inventor of the expression "legitimate" in its

modern sense? None other than Talleyrand, and when he used it at the Vienna Congress he applied it to the Bourbons and their Neapolitan relations and their protégé the King of Saxony. According to him, Prussia and Russia and every other country which opposed the Bourbon interest were revolutionary. It was a frivolous phrase, invented to enlist the thoughtless and the interested for the Bourbon cause.

If we define a legitimate government to be one which has acquired its actual possessions and its Constitution through an acknowledged title, or by inheritance, or by wars admittedly righteous, we ask ourselves what State in Europe to-day deserves the name. It would be mockery to bestow it upon France; the English succession rests upon a violent revolution; Sweden and Denmark are ruled by monarchs who govern by right of it; Belgium's whole existence is due to the same cause; Italy is in like case; and in Germany the glorious Prussian State must thank the secularization of the lands held by the Orders for its very being. Moreover in candour we must admit that the war of 1866 was not only an international, but also a national war. Bavaria, Darmstadt, Würtemberg, and Baden hold three-fourths of their territory to-day through the secularization of the States of the Church, and the mediatizing of the Imperial cities, and of the smaller nobility. No one will contend that all this was brought about without revolution. The conclusion is that the two expressions, legitimacy and revolution, are elastic. A lawful development is the normal, but to

every State without exception moments arrive when it can go no further upon peaceful lines, and war without or revolution within becomes inevitable.

We Germans cannot rate our good fortune too highly in our revolution of 1866 having been accomplished by war, and not by popular rising and popular vote as in Italy. The preponderating strength of Prussia put it in her power to re-establish order. Hence it came about that the unavoidable disturbance was effected with the utmost possible gentleness. Admitting that the desire of the masses for German unity had become so urgent that revolution would have been inevitable, it is clear that had it occurred the defeated party would still be cherishing a silent hostility towards the victors, whereas the war and the mild terms on which peace was concluded filled the opponents with so much mutual esteem and spirit of conciliation that within four years they were fighting side by side against France as true comrades.

The result of revolution must be the final criterion of its necessity. Not the cruel results of the moment, but the enduring improvement in conditions. Such needful disturbances of existing right are soon obliterated from the memory of the people, and of the persons affected. Thus the abolition of the mass of small States by the decree of the Council of the Empire was looked upon by everybody as no more than a necessity for the sweeping away of the old abuses. The fall of the so-called States of the Church in Germany was unavoidable from the moment that

the Reformation triumphed in our country. It was its political consequence, although an evil fortune for us delayed its fulfilment at its proper time, and the work had to be done over again in 1803, when what had long been dead at last vanished from view. The final verdict upon the French Revolution has not yet been pronounced, for the dominion of the Rothschilds over modern France is so odious that it is hard to say whether the pre-revolution period should not be preferred.

The slight degree of relative injustice which may possibly have attached to the German Revolution of 1866 has been brilliantly justified by 1870, when the great historic destiny of a noble people was indeed restored to them in full.

Thus a breach of constituted law can, like all other human transgression, be wiped out by Time. We must even go further in this historical-moral justification of revolution, and assert that even legally incontestible rights may eventually lapse.

There are undeniably some princely families who have conducted themselves in such a way as to forfeit all claim, in the deeper sense of the word, to be again pretendants to the throne. This is especially true of the House of Stuart. They remained stationary while the English nation progressed.

Even thirty years ago it could be truthfully said of the Bernadottes in Sweden that they had gradually become so really the legitimate rulers that a return of the old dynasty would have been a wanton innovation.

Henry V. of France was personally a very worthy if narrow-minded man. He believed in his legal title, and if he had not committed the gigantic folly of repudiating the tricolour, France might have returned to her old allegiance. But even he could only have founded a new party dominion, for it was not given to France to know the peculiar blessing of a monarchy which stands on power above party. The Bourbonists have the strongest legal claim in France to-day, but they are very few.

It is evident, then, that there is such a thing as prescriptive right irrespective of numbers.

Many are the forms under which States arise and thrive; equally various may be the ways of their fall. It comes oftenest through war; it has never yet come through a treaty. In most cases States disappear through unification with some other to whose dominion they are made subject. Sometimes a people whose rôle in history is played out dies in the physical sense. This is true not only of such savage races as the Redskins of America, who withered before the basilisk eyes of the Palefaces, but also of great and noble peoples like the Romans, whose Empire crumbled at last in total decay, physical and moral. There is no spectacle more tragic than the death of a State, and the end of a nation which has lost the moral strength to enforce and uphold its own beliefs. A Christian historian once said that Christian peoples can never die. This generalization is inaccurate; it is doubtful, for instance, whether Poland will ever arise anew. Certainly never in its former shape,

and the insensate obstinacy of the Poles would not accept compensations in the region of the Black Sea. The wonderful revivifying power which lies in Christianity may indeed hinder the decay of a nation, but cannot absolutely prevent it.

V

GOVERNMENT AND THE GOVERNED

We have now to examine the last series of principles which are the foundation of political science, namely, the relation of rulers to subjects considered apart from social differences. As all civil life contains different classes both of rank and wealth, there must be in every State a natural contrast between the rulers and the ruled; there must be superiors and inferiors. The collective number of those who exercise authority in right of law will be shortly termed the rulers, while the remaining mass of the population are called the subjects.

It is a Radical prejudice borrowed from France to see something derogatory in the word "subject," and to substitute the term of "citizen." The two words are absolutely synonymous, except that the first lays most stress on the obligation and the second on the privileges. When the Freiherr von Vincke once spoke in the Prussian Chamber of Deputies of subjects, and the Progressive Party objected to it on the score of servility, Vincke answered truly, "Yes, Sirs, I am a subject of the King of Prussia, and so is every one of you."

Naturally we are not subjects of a fellow-mortal as such, but in so far as he represents the collective authority of the State which is expressed in him. It is the constitutional subordination which is observed towards the Head of the Constitution.

Since the State is under all circumstances a Government, there is always a difference between it and those whom it governs. The State alone is sovereign, and all others are subject in relation to it. It is therefore incorrect to speak of the proprietary right of a reigning family in the State, but no less false to talk of a sovereignty of the people which, as it were, places the people outside the State. We can only say that the State is sovereign, and the body which has been constitutionally endowed with the supreme power is described as sovereign. This is made very plain in a monarchy, but is no less present in every other form of State. The customary mode of address of the Venetians is very significant. The ordinary man spoke of the Supreme Council collectively as " our Illustrious Prince." The Assemblage of her nobility was the sovereign of Venice. In a pure Democracy the people are undoubtedly sovereign, but through their legal Assembly, not in the sense in which the Jesuits and Rousseau use the phrase. Their right to the title is clearly set forth in the wording of the North American Constitution : " We, the people of the United States, decree, etc., etc."

Even as the eclectic ideal of a mixed State which is neither flesh nor fowl can never be

realized, neither can there ever be any doubt who is the real sovereign in a so-called Constitutional monarchy. A State where sovereignty was divided among many would be impossible; only political dilettantes like Cicero would dally with such eclectic fooleries. Although Cicero lived in one of the most consistently aristocratic societies which the world has ever seen, he did not hesitate to describe it as an agreeable blend of an aristocracy, a monarchy, and a Republic. Sovereignty cannot be divided, and it is important to realize this and not to be misled by constitutional catchwords.

The word Constitutionalism covers, in fact, many widely varying political forms, in which the seat of authority is found in many different places. In Belgium, for instance, it clearly resides in the people. The whole spirit of the State is expressed in the most important clause of the Belgian Constitution, "All power emanates from the nation." The dynasty reigns by favour of the people, and in spite of all the fine speeches about hereditary succession the King is an official of the Republic, and appointed by them. It would be a misrepresentation of history to say the same of Germany. We did very nearly adopt the Belgian Constitution in 1848, and a great many of its clauses were incorporated in ours, and, thanks to Benedict Waldeck, its accursed mixture of Radicalism and Clericalism was to be infused into our noble Prussia. But the chief clause of all was left out; even the Radicals felt that such a denial of our whole monarchical history would cry to Heaven.

Therefore in Prussia, despite the constitution, the monarch is still the King.

In England again it is very obvious where authority resides. Sovereign in England is Parliament; the Upper and the Lower House. These must co-operate to enable the sovereign will to be expressed. The actual power lies undoubtedly in the House of Commons, the House of Peers has some voice, and the Crown stands modestly by. This arrangement was quite sound until a few decades ago; it only became confused and obscure with the uprising of the democratic element. Whether in face of the increasing power of that element the country can continue to be governed on the old lines will be a question for the future. In Germany there is no doubt that we still have real monarchies. As far as it is possible to speak of authority in the various States of the Empire the monarch is sovereign, and in the kingdom of Prussia this is true without reservation.

We briefly apply the word rulers to the whole number of those commissioned by the sovereign to govern the State, and in every conceivable instance these are divided by a deep gulf from the political outlook of those they rule. People who are merely governed consider things from beneath, they think firstly of where their own shoe pinches, and approach the State as petitioners and claimants. That is the natural point of view of the governed, and there are natures who never forsake it. The Deputy Lasker was their type, fastening with eager perspicacity on every grievance, and making the most of it.

The criticism of finance by such persons is most instructive. In the years following 1815 a whole group of quite learned men wrote books about fiscal matters which to-day seem to have been penned by lunatics. The question of what is essential to the existence of the State requires to be answered politically. Hansemann, however, in his book *Prussia and France: Criticism of the Economic System of both Nations*, inquires with the utmost naïveté, "What is the cheapest way of governing?" and thereby simply suppresses the Army Estimates. Only one, a Professor Benzenberg, wrote on the subject of Prussian finance, and measured the income of the State by the standard of its absolutely necessary expenses; in other words he considered the conditions from above.

It was exactly the same with the Army. Formerly, and so long as the State was regarded merely as an economic enterprise, the opinion prevailed in Germany that the economic principle of division of labour should apply to the Army also. There was a demand for professional soldiers, well-drilled mercenaries, to stand between the civil population and the disturbance of war. Nothing but bitter experience has taught the average man to feel, as he does to-day, that military duty stands immeasurably above financial considerations, and that it is best kept alive by a system of universal service.

We pass from this naïve self-absorption on the part of the governed to the totally different political outlook essential to the rulers who consider the State from the standpoint of the

whole community, not as members of an interested group. Their first care must be for the power and unity of the whole, and since they carry the heavy responsibility of the fate of millions they look upon strict obedience as the first necessity. It follows that every healthy Government feels the need of continuity. It is well known that when members of an opposition take part in government they have to endure from their former associates the reproach of a change of opinions and lost freedom of thought. This is quite unjust; the fact is that these very men, who once criticized from their own standpoint only, now see for the first time how many other interests have to be safeguarded. This is the reason why local self-government is of such high political importance. It fills the middle classes with the ideas of those who govern them. The greater the number of citizens who can be induced to share in political activity and help to bear its responsibilities, the greater will be the number of persons imbued with practical knowledge of matters political, and also with something of the feeling of responsibility.

Even historians fall into one or other of the two divisions. A view from above gives the stronger guarantee of historical impartiality. The ideal is the combination of both qualities. The historian should be able to enter into the motives of statesmen without overlooking the passions, the cravings, and the bitter necessities of the masses. By this standard we can measure the gigantic strides which history made under Ranke, who did study the State from above. It

is an immense boon that he was the pioneer of research among historical archives. On the other hand he teaches us too little of the life of the people. We move with him in distinguished society; he cannot depict the brute in man. Nevertheless this is a better fault for an historian than inability to understand the working of the State, and lack of power to take a detached view.

The best way to arrive at a fair and unprejudiced judgment is to study the difficulties of government in individual cases. I was covered with abuse when I first pointed out that the Zollverein was entirely the work of the Government and entirely for the benefit of the governed. The tendency of the publicist is to look at things from below, but if he does so always he becomes at last nothing but a contentious fool. If he is worth anything he will try to put himself in the position of those in authority and inquire what was possible and practical for them to do under given circumstances. Thus Friedrich Gentz is a sound political writer, who looked at things in the right light. Börne is the opposite, politically just a bungler.

The ideal Government, then, would be the one which best kept the middle course between the two extremes, and best knew how to reconcile the two equally justifiable but equally one-sided principles, the purely political and the purely social. In general a Conservative Government inclines towards hardness and is apt to exaggerate the idea of the strength of the State. On the other hand a Government which stands for progress will yield too much, and pay too much

heed to social needs. It will compose popular political programmes and let the reins of authority slip the while.

The collective mental attitude in which the mass of the people stand towards the Administration is called Public Opinion, but the exact meaning of this idea is far from being clearly understood. The saying of Napoleon III., "Public opinion is the sixth great Power," has become a favourite weapon of the demagogue, but in reality the public opinion of whole generations has been completely in error about the most important political questions; take the Prussian Zollverein once more as a single instance. Our political unity was brought about in defiance of public opinion, which only began to veer round after the whole thing was done. Therefore we have to choose among the thousands of desires and imaginations which sway the masses from day to day and which may so often be mistaken. Great crises do arise in a nation's history when the inward conviction of the people breaks through with so much moral force behind it that no Government can resist it. No German Government could have withstood the national cry for war in 1870; it was the voice of the German conscience making itself heard. But how hard these matters are to gauge is proved by the fact that the French felt the same. They were all guilty of the sin which they afterwards fastened upon their Emperor.

The best way of judging is by comparison with the aesthetic instinct of the public. Grillparzer once observed that he hardly ever heard any good

criticism of the theatre from an individual, whereas a whole audience were capable of giving it. There is some truth in this. The public is the final judge of whether a drama catches hold of the inmost heart; it gives the collective verdict which is right in the long run. The force of public opinion in the State is the same. It often errs, but often the universal voice speaks so unanimously that "Vox populi, vox Dei" may be said without foolishness. We are bound to admit that the war of 1870 was not absolutely light-minded on the part of the French. Napoleon III. had made the country a first-class power. He had given it a position in Europe which neither French diplomacy nor France itself was inwardly capable of sustaining. It was natural that they should wish to check the rising Empire of Germany, and it is impossible to talk of the absolute error of public opinion.

This public opinion does not as a rule come forward as a united whole, but is first seen in the opposing forces of Party. The value and importance of Party varies much; sometimes it is rated too low, much oftener appraised too highly, both for good and evil. Bacon of Verulam, whose character was unfortunately in inverse proportion to his greatness as a thinker, said that only the humble need belong to a party in order to be raised by it, and that the mighty require it no longer. He therefore despises Party, and totally misapprehends its political significance. Another point of view was taken by the old political police of the German Confederation, who were troubled in soul by every

party which arose, and saw in it a work of the Evil One. When Heinrich von Gagern spoke of a Government Party in the Darmstadt Chamber in the year 1834, the Government found the epithet so injurious that they dissolved the Provincial Diet.

Radicalism, on the other hand, paid a wild worship to Party in the days when Herwegh sang :

The Party was crowned with my laurels.

This was a particularly unfortunate combination of ideas, and for a poet, who should stand above party, it was no less than downright madness.

An unprejudiced study of history shows that Party is a political necessity for a free people. It draws the countless opinions of individuals together into one average, and crystallizes the confused judgment of each into definite form. Although it is a wholesome incentive to certain natures to be compelled to range themselves under some banner, there is no doubt that the terrorism of Party may also do harm. For it is clear that every party must be one-sided. There can only be a really national party in countries which are still struggling for their independence and freedom from an anti-national power. So it was possible in 1859 for all parties in Piedmont to unite under Cavour's leadership. In those days that great man was able to carry with him every faction in the State, for all laid aside their differences for the common task of the unification of Italy. In a well-ordered, independent State no national party will exist. The name national-liberal is a masterly invention, so well sounding

that it pleases everybody, although it is but a name and nothing more.

Every party is of necessity prejudiced and short-lived when compared with the breadth of vision and allotted span of the State. It is a chimera to try to construct parties to endure for ever. Their best fate is to disappear with the attainment of their object, their most shameful end to perish because the facts of history have proved the vanity of the ends for which they strove. The little group which supported Hereditary Imperialism, which had been so often mocked and derided, broke up in 1866 when its dream was realised, while the much belauded party of Greater Germany, whose very name had had so great a vogue, received a mortal blow at the same time, and the result proved that its aims were inconsistent and untenable. They were so completely disposed of at Königgrätz that if there are any partizans of Greater Germany to-day they do not proclaim themselves openly.

Everything vigorous in their ideal lives on in the Ultramontane party, which still cherishes some secret leanings towards Austria, although their programme is on the whole the policy of the Church.

Another way of driving the theory too hard is to talk of fundamental Party forms which are to exist to all eternity. Macaulay went astray over this when he asserted that all parties in history were divided by the same difference. There would always be one side, he said, to enter the lists for freedom and progress, while their opponents would be guided by respect for authority

and antiquity, so that the division of Whig and Tory would be found everywhere. In spite of the pronounced Anglomania prevailing at that time among Continental Liberals, men of learning denounced this reasoning both in Germany and Italy.

Macaulay's teaching was followed up by a new-fashioned and quite perverse German doctrine, preached by the late Friedrich Rohmer, who played so singular a rôle in German history. He had a wonderful gift of the gab, in spite of which he gathered about him a large circle of not insignificant people who followed him through thick and thin. He wrote a peculiar book about Four Parties, which was quite worthless, and in which he describes Radicals as the boys of Politics, Liberals as the youths, Conservatives the men, and Reactionaries the greybeards.

There is nothing behind these fanciful principles except that self-worship to which all parties of compromise are by nature inclined. It is not the *idem sentire de republica* which draws parties together but the *idem velle*. Their essence is not whether they seek change or shun it, but in what it is that they desire to alter or to preserve. Moreover, Freedom and Authority are correlated not opposing forces. Freedom reposes upon the observance of laws framed in harmony with reason, for political liberty cannot dispense with the authority of law. The conflict of the two great English parties has never been one of principle as Macaulay thought it, but always turned upon who should hold the chief power in the State. Whigs and Tories were

both drawn from the aristocracy, and voted for or against every measure according to whether they were in or out. The great changes in English political life were as a matter of fact mostly the work of the Tories. Therefore it is impossible to say that these two sections of the upper classes, who both desired the dominion of Parliament over the Crown, were sundered by any deep divergence of principle. They are in fact the best illustration of how it is the struggle for power which separates parties. Tories and Whigs were originally adherents of the Stuarts on one side and of the usurping Guelphs upon the other. This difference gradually closed, but the great families continued to abide by its inherited tradition.

This long continuance of the same parties can naturally only happen in an aristocratic State. They are hidebound to a degree which is very irritating to the average free man. When Wellington was Prime Minister, and saw that Catholic Emancipation was a necessity, he decided upon the step which mortally offended his political supporters. German opinion would respect a man who could shake off the traditional party fetters for the good of the country, but the English view is that although it may have been necessary it was a serious offence against the ethics of party. The word ethics is used in the same ridiculous sense as in Germany to-day. This is what a country has come to where party feeling is in the very air they breathe. Both sides fully acquiesced in the principle of the new Constitution, both were capable of governing, and

since the "glorious Revolution" and the absolutely illegal accession of the Guelphs had reduced the Crown to a nonentity, parliamentary party rule had become a necessity.

The English Parliament in its great days was the worthy counterpart of the Roman Senate. England was an aristocratic Republic of the great style. The Crown occupied the position of "an expensive but otherwise harmless capital for the pillar of the State," and added thereto was the hereditary intellectual nullity of the four Georges. An aristocratic government by party was necessarily rooted in the whole history of the State. Its rule was vigorous, and under it England became a commercial power of the first rank, but it could only endure so long as the aristocracy were the leading class in the country, and recognized as such. The opening of the nineteenth century saw the slow beginning of the change. A Reform Bill was first ventured in 1832, an extension of the franchise in the Lower House. Thenceforward a quarter of its members were really elected,—until then every great landlord had had his borough in his pocket.

Now all was altered. Part of the House of Commons became really representative of the people, and the new interests of the middle classes found expression there. The Franchise was reformed again several times, and now the names of Whig and Tory are seldom heard. There are no longer two parties, but six or eight, the changes being more rapid than with us. England has no longer possessed merely an aristocratic corporation, since the Lower House has become approxi-

mately a popular Assembly. It is as motley in its composition as those of the Continent, although all its various groups range themselves according to circumstances under two leaders only. It is clear that we could not imitate this division into two hereditary parties, we have no tradition of it, and further it would be inconsistent with the German character. We are distinguished from other nations by our honourable love for outspoken convictions, which would make a cut-and-dried party system distasteful to us. We refuse with thanks the "sacred bond of friendship" which holds English parties together. We would fain distribute the offices of State according to merit, an ideal which is very hard to realise, but is dear to every German heart.

Thus English party rule in its ancient form can never be a model for ourselves, although it is worthy of admiration under certain historical conditions. Moreover, however silly the squabbles of our factions may be we cannot deny that all political parties have a backing in the country. It is quite impossible to discover a fixed principle in their whirlpool, and we must above all beware of the conceited modern illusion that parties become more worthy of respect as their culture increases, and that in the course of history they become more certain of their own nature and aims. Good or evil as they were in the past so they will continue to be in the future, as the astute old Wachsmuth truly said, in his *History of Party*. If the State belongs to the world of action, parties will be held together by common aims and not by a common doctrine.

An unprejudiced observer sees how the occasions for the rise of a new party are as many as the sands of the sea. Parties are the ephemera of free political life, bred of the clash of national, social, and religious interests. They are the necessary means by which the average will of a free people is evolved from the multitude of individual wills, but it has always been a sign of intellectual barrenness to overrate them. To throw in our lot entirely with one of them is a deliberate putting on of fetters, and really free natures have always felt a certain repulsion from the narrowness of party judgments.

Every kind of party may be a disturber of peace, under certain conditions. Social factions may lead to civil war because they are swayed by the basest passions. The power of envy is incalculable, especially in free democratic countries, who clutch at the vision of equality just because it is false and because the proof of the inequality of men, as such, meets them at every turn. Thus a feeling of envy is aroused of which inexperienced youth can form no conception. We can only gauge its depth when we look back in riper years upon our own achievements where others have failed. Many of the institutions of democracy have the gratification of this base passion for their object. Such was the ostracism of ancient Athens. Then internal discords have often led to the downfall of a State, as the history of Schleswig-Holstein and Denmark shows. Again the cruel story of the Thirty Years' War proves how the spirit of a nation can be devastated by religious party strife.

Social interests are always the first motives in the construction of a party, but many others are added to them, of which we can only say here that this form of expression is both the right and the duty of forces which are tearing a nation inwardly asunder. If a sentiment or opinion is strongly held in any given district, it is bound to come out. Purely territorial and ecclesiastical parties have always an incalculable and highly dangerous element within them, because they bias the whole of public life. That is the case with our Centre Party. It is fundamentally without foundation like the Church of Rome itself. The Pope's dealings with every Power over his own vital interests are simply from the point of view of their utility to himself, and in the same way the baselessness of the Centre arises from its contempt for the secular State. It is obvious that such parties cannot be calculated upon, and particularly to-day, when they are so systematically encouraged from above, we see the result in the terrible tangle of opinions prevailing.[1]

We may call the construction of a party natural and necessary when it arises out of some real subject of dispute either in economic, national, or religious life. Parties are diseased when they are nourished only on the memory of old hatreds and discontents, as was the German so-called free-thinking group in the days of our great Chancellor. These people strove towards no practical political goal, they only lived on the grudge they bore to the man who was greater than they, and whom they could

[1] Lecture delivered in November 1892.

not forgive for existing. We have to concede a great power in history to the forces of stupidity and meanness. Folly will always have its adherents, because the majority of mankind has been gifted with it.

In all this, shines clearly the old truth that it is the duty of Government to stand above parties, and, as Bismarck once said, to find their common denominator. If the State truly holds the scales of justice it is by nature impartial. Here lies the moral superiority of a well-ordered monarchy over a Republic. Its authority is founded upon right, and can be independent of party, even if it is not always so. In Republics one side or other will always place its own representatives in power, and thus hamper the authority of the State.

Out of all these conflicting currents of party what we call public opinion emerges at last. The first demand it makes of the State and of the Government is always for freedom. What must we understand by this word which is in itself almost meaningless? We have to ask further, Freedom from what? There can be but one answer: Freedom from unreasonable compulsion. True freedom, as we know, consists in the passing and keeping of reasonable laws in which the individual can morally acquiesce. The ideas of lawful authority and lawful freedom are not contradictory. No freedom could be maintained which was not secured by universal obedience to law. Thus it comes about that noble nations have always paid honour to those who serve their country.

It was with just pride that the Black Prince bore upon his shield, below the ostrich plumes, the device : " I am the first subject of the King of England."

If we dream, like the Poles, of a liberty which casts off all kinds of authority, it comes to much the same thing as the total disruption of the State. Excess of freedom is no more than slavery, for when no check is set upon force the weak go under to the strong. Freedom stretched too far not only leads to serfdom, but is serfdom in itself. Moreover, we Germans are far too much inclined to this exaggerated view of liberty. Formerly the freedom of the Empire was said to be freedom from the Empire and the Emperor. Dominion was not tolerated. This is a strong tendency in the German nation, and it makes healthy political development undeniably difficult. It is a false conception which seeks for freedom from the State and not within it.

The power of the State and the liberty of the people are inseparably connected. All nations with strong political instincts deeply resent the disturbance of the public peace. In England the penalty of political crime is hard to the point of cruelty, while with us the influence of radical ideas has created a certain sympathy for it, particularly in polite society.

The State must judge of such crimes by their harmfulness, not by the purity of their intention; it must not consider whether the motive was enthusiasm or baseness. To condone them is either weak sentimentality or a sign of bad government and want of self-confidence. The

German slackness in these matters is only excused by the wretched political conditions in which we lived for so long.

Aristotle's definition of the essence of liberty contained a deep and eternal truth. "One ingredient of freedom," he said, "is either to rule or to be ruled. The other is to live according to our own desire." In other words, this means that the first part of liberty consists in the participation of the citizens in the conduct of the State, in some form or other, or political freedom in the narrow sense; while the second involves the greatest possible scope for personality in private life. These parallel aspects of personal and political freedom run through all history, and it is important for the character of a nation or a period to ascertain which of them is being actually developed. In antiquity the political aspect was so much the stronger that it astonishes us that Aristotle could see the other at all. In modern times, on the contrary, the social aspect is far the most prominent. The man of to-day thinks first of getting scope and protection for his economic activities, and the desire to co-operate in government takes the second place. The ideal, of course, is a combination of the two. A civilized State must give full play both to civil and political freedom, but it is a false conception which finds it in self-assertion uncontrolled from without.

I cannot deal exhaustively with the subject of political freedom until I treat of particular constitutional forms. I will only say generally that the course of history shows the increase in

political liberty; a growing circle takes part in the work of government. It is incontestable that the development of historic life becomes increasingly democratic, but this should by no means lead us to the conclusion that the last phase of a fully matured State must be a Democracy. It is a fashionable folly of the present day to seek for political freedom in particular constitutional forms, for instance, in a Constitutional Monarchy, or a Republic. We have defined Freedom as the existence and maintenance of reasonable laws, which are obeyed by the citizens and have received their voluntary moral sanction. Clearly therefore it was not first discovered in 1789. Such a vain imagination of the nineteenth century withers before the healthy vigour of the old Monarchies and Republics. Why should we deny that a powerful military State like Philip of Macedon's was free? Its obedience was voluntary. Or shall we deny it of the Government of the great Elector. Look at the statue on the "Lange Brücke." No modern man can fail to notice that the noble and gentle Prince who welcomed the Huguenots into Prussia is here represented with four fettered slaves. This is a product of the seventeenth century which loved the idea of dominion and was never tired of emblematic representations of submission. It cannot be denied that in the days of the great Elector the pillar of freedom was Absolutism. Leibnitz, Pufendorf, Thomasius; all the great names which stood for liberty, the men to whom we owe the re-awakening of Germany, were stern Absolutists. Who

were the Reactionaries in those days? They were the champions of so-called Freedom, Konrad von Burgsdorff and General Kalkstein, the upholders of traditional divisions and class monopolies which would have enslaved the masses for the benefit of class interests.

It is clear then that Freedom is not essentially and solely founded on any particular form of State. The glories of Constitutional freedom are nowhere more loudly proclaimed than in Bulgaria or Greece, but these countries are not therefore more free. There is still a great danger for shallow thinkers in this idea that a free State is a State framed on certain constitutional lines. There was a time when Spain and Portugal were held to be freer than Prussia. What has resulted of all their liberty? Who has rivalled these nations in political folly?

This much only is capable of historical proof. The attributes of culture and prosperity, upon which ability to share in government is founded, spread in the progress of civilization in ever-widening circles through which we can trace a historical law of the democratization of Constitutional forms. Active participation is exercised by an increasing number. While this increase keeps within reasonable limits, every historian must acknowledge that there are grounds for it, but unfortunately we in Germany have reached in universal suffrage the utmost limits beyond which unreason cannot stretch.

It follows that the exercise of this right to vote is in itself no political education, and that political freedom has far less place in it than in

an unpretending but really effective share in administration. Much depends upon whether a nation is kept in leading strings in the matters which touch it most, or whether it takes an active part in the business of administration; this important question is not decided by the form in which the central government resides.

It is quite obvious that all local government even on the smallest scale is, and must be, aristocratic. It is not possible for every peasant to undertake the office of Mayor; this will be filled by the thriving yeoman. It requires the leisure which only a certain prosperity can give. This alone, by excluding the mass of the population, modifies the law which tends towards Democracy. No State decree can alter this social necessity. Should it ever happen that administration is no longer in the hands of the well-to-do, but of the masses, the world will soon revert again to the former condition of things. A certain superiority of the rulers to the ruled is inherent in all government, let it come through education, wealth, birth, or what you will.

We now come to consider, in the second place, the question of personal freedom; and we see that the individual is never absolutely free to follow his own bent. If he is a member of the State his own rights must be dependent upon its collective position. If its very existence is at stake, as in war, or internal disturbance, every State retains the power to suspend the personal rights of the citizens. It cannot do otherwise. When the issues are vital the individual must

subordinate his own interests to those of his native land.

As this has always been, so it will always be. Here arises a well-known disputed point in practical legislation, which is a good guide to the political temper of different nations. Is it best to bestow discretionary power upon the administrative authorities in peace time, or to set a limit upon it as a general rule, and from time to time make special exceptions. Germany goes on the principle of not putting too much check on discretionary powers. England, on the other hand, withholds them from her police authorities, and the consequence is that she is continually proclaiming martial law.[1] No year passes without the Riot Act being read in some part of the United Kingdom. I prefer the German practice. Respect for law is less disturbed if the authorities have discretionary powers, and occasionally exercise them, than if the whole legal machinery is stopped by the Riot Act.

If we examine the meaning of personal liberties more closely we see that there is nothing absolute or inherent about them. They are rather the result of the long and difficult development of the human race. That was the mistake of the Natural Law doctrine in the seventeenth and eighteenth centuries, which imagined liberties innate in man. But it is evident that the very earliest conception of personal freedom, which was inconsistent with slavery, arose in historical times.

Christianity was required to awaken the idea

[1] Translator's note: "Belagerungszustand."

of the value of human personality. Aristotle says with regard to slavery that it is not strictly right to use men as chattels, but since there are men who cannot raise themselves above the level of the brutes, they must be treated accordingly. Thus even the most independent intellect of its time could not raise itself to the point of view which lies at the very foundation of Christianity. It is an illustration of the brainlessness of modern Radicals, that they are for ever abusing Christianity, and do not realize that they have to thank it for the best of their own laws of freedom. Certain aspects of liberty are indeed the result of a long development, and even the Christian idea of brotherhood in God was slow to unfold. What we regard as absolute to-day was only established in process of time. The unending evolution of Divine reason is a richer conception than the barren notion of an absolute system of positive right.

But it is easy to find the historical reason why such a Code of the so-called Rights of Man was formulated in the eighteenth century. The strict subordination of personal initiative in the seventeenth and eighteenth centuries led by a natural reaction to the radical theories of personal rights.

Kant's axiom that " no man may be used only as a means to an end," contains the result of the metaphysical fight for freedom of that time. It led to the recognition of a whole series of rights of the individual. As is well known, the American Declaration of Independence was the first attempt made to express them. It is clear

that the worthy settlers, thoroughly sober-minded men of business, were as far removed from the theories of moral philosophy as from the stars. But since they needed the support of Europe they had to find some just cause for their insurrection. They could not claim the support of law, which was on the side of England, and they had no intolerable harshness to complain of. They wished to found a Revolution in legality, and as this is a *contradictio in adjecto*, they were obliged to have recourse to the laws inalterably written in the stars, etc. That was the spirit of the times, such catch-words were required and did in fact catch hold in Europe. Such phrases were what drew France into the American War. The enlightened nobility tempted the Crown to take part. The Marquis de Lafayette hung a copy of the American Rights of Man in his room, and beside it a blank sheet, bearing the title, "The French Rights of Man."

Thus the example of America inflamed the desire in France, and when the Revolution broke out the first cry was for the *Droits de l'homme.* In the limitless exaltation of spirit belonging to the early days of revolutionary propaganda Lafayette started the idea of extending these Rights to all nations upon earth. The dream in liberal circles was to see every free people endowed with some such code. From this resulted the fundamental rights in the new German Constitutions. We must not condemn them unconditionally, since we have to admit that when a nation has gone through an intellectual

transformation it feels impelled to formulate the result.

The Code of Rights of 1848 therefore cannot be called useless, but when we come to closer quarters with it in the Constitution of the Empire in 1849 we find that it is a piece of imperfect legislation, as the juridical *terminus technicus* runs. Here also the axiom holds good, "No crime without penalty, no penalty without penal law." Such a clause as the following, "Science and its instruction are free," contains no legal meaning at all by itself, but only acquires it in application to individual cases, by creating precedent for the penalty to be inflicted when the principle is transgressed. No one would now maintain that such an axiom would abrogate all existing laws, and that in future any man can establish any school at will. It is only a guiding principle for the direction of future law-givers in our State, for without compulsion from the State there is no effective code. All these Codes of Rights go out too much into vague generalizations; real meaning is only put into them by practical legislation for particular cases. Nevertheless it is safe to say that modern civilized nations have made for themselves a whole series of Rights of Liberty which the average man regards as eternal and inviolable.

When we come to particular inquiries as to what the rights of the individual really are, we find the first claim is for protection of the purely physical existence. This is so carefully practised by the modern State that it even punishes injury to the unborn child. Certain Radical theorists

maintain that the abolition of capital punishment is the logical sequence of this right. But if the State has the power to send the flower of its manhood to die in thousands for the sake of the lives of the whole community, it would be absurd to deny it the right to put criminals to death if they are a danger to the public weal. All civil freedom is limited and liable to be forfeited if it is abused. The death penalty is no violation of the rights of humanity if the State thinks it well to inflict it, nor is corporal punishment, which is in fact a necessity in certain stages of civilization. But the abolition of bodily mutilation is a proper consequence of the respect which is now paid to the physical personality. Such punishments, once removed, never return. Here is a sure test, for what has been condemned by the public conscience never reappears. The rack is gone for ever, the death penalty, on the other hand, has always returned, and it will always remain. We have become sensitive to the point of sentimentality upon these matters. Flogging would be very advisable in certain cases to-day, and it is a real misfortune that we have banished the pillory. If a fraudulent speculator could be placed in it publicly nowadays it would have a far better effect than a long term of imprisonment.

The recognition of the legal rights of the individual follows naturally upon the conception of the free personality. Hence it comes that the penalty of so-called civil death pronounced upon a living man is not consonant with our conception of justice. Therefore this punishment has been done away with nearly everywhere and is not

likely to recur. But the acknowledgment of the legal rights of all citizens before the judge does not involve their equality in the eye of law, which makes, for instance, a proper distinction between young and old, men and women, officials and ordinary citizens.

If we admit that personality constitutes a person in the legal sense, slavery and serfdom are abolished naturally and once and for all. The introduction of slavery in the very earliest times was undoubtedly one of the greatest advances in human civilization. It brought the ghastly wholesale slaughter in war to an end, and made economic progress possible. The working power of the slave was husbanded as far as it could be, so long as human labour possessed a high value. But as civilization increased slavery became harder, both relatively and absolutely. This was bound to lead to a strong reaction, and speaking generally we may bless the consequences of the French Revolution, and the legislation of Stein and Hardenberg, which liberated the serfs. We may say as much for the abolition of slavery in the plantations by England. England's first thought was in reality the destruction of colonial competition, but the movement was necessary in itself, and the only misfortune was that it was so precipitate. North America was too hasty with her complete emancipation, but here there is nothing to deplore; it gave rise to a great war, and war should always cut at the roots of a quarrel.

The abolition of personal bondage makes the existence of the monastic orders inconsistent

with a modern Constitutional State. The complete slavery within these institutions of the Catholic Church is no longer thinkable for humanity. The monks and nuns have surrendered their individuality, and, as our old wording has it, they have ceased to be persons. They have given up their possessions and their whole status in civil life, and desire only to remain serviceable members of their Cloister community. This is fundamentally inconsistent with the laws of a modern State, which prohibits voluntary entrance into slavery or personal bondage, and maintains for its institutions what its citizens demand for themselves. The State is only concerned with the outward regulation of men's lives, and does not inquire into motives; it is indifferent to whether a man becomes a slave for religious reasons or because he has gambled away his patrimony. The personal freedom which the State guarantees for all its subjects has been infringed in both cases, and the offence is punishable. We must fix this guiding principle in our minds in order to fathom the sophistry of the clerical party, when it talks of the Rights of the Church. We must declare that cloisters are not lawful in a State which regards personal liberty as a *conditio sine qua non*, and that they are permitted to exist as an exception, not as a rule. This is the correct standpoint. Such institutions are radically opposed to the principles which frame the laws of a modern State. The State may make exceptions, but there should be no mistake that such they are, and that the permission of them may be withdrawn at any

time. It is not advisable to allow what is unlawful to grow beyond control.

Assurance against capricious arrest is another essential part of the conception of personal freedom. In this England most eagerly led the van. There is a celebrated clause in Magna Charta, solemnly sworn to again in the protective Statutes of King Edward's reign, which provides that no one shall be imprisoned until after the judge's verdict. This was doubtless a great achievement, but it is no less certain that in modern capital cities this law is antiquated. In a well-ordered State, where over-zeal on the part of the police is severely punished, and where we can therefore depend upon their sense of responsibility, it is essential for them to have the right of entry into houses. It is obviously ridiculous that brothels and haunts of thieves should be considered sacred ground. The result of this in London is that horrible crimes go undiscovered. Or look at the tragi-comic occurrence in Ireland some years ago. One of the Irish malcontents, whose only desire was to stir up rebellion against the Queen, was convicted of high treason. The police were upon his tracks when he took refuge in his so-called castle, a tumble-down old tower. Here he was secure. From time to time he let himself down by a rope to the first story, and thence delivered an inflammatory oration, to which the police had to listen in silence.

We are always brought back to the same fundamental principle that personal liberty cannot be an absolute right, but must be limited

by the conditions existing in the State itself. It is impossible for the State to secure order in the great towns if the liberty of the subject is so widely interpreted. It is sufficient for the security of a reasonable personal freedom that the person arrested should be brought to trial within a given period, and is told of what he is accused. Moreover, it is essential that there should be a penalty for the overstepping of authority on the part of the police. Their discretionary powers should be kept within their natural limits by the right of every person, who considers himself injured, to complain and demand the punishment of the too-zealous official. Some method for doing this legally must be provided, but it is difficult to frame a law against capricious arrest without robbing the executive of too much of their initiative.

The next part of the definition of personal freedom, taken in its modern sense, is the right to use all the physical and mental powers in any form of economic production; or, to express it negatively, that no one should be prevented by the State from earning his bread in any honest manner. But this right clearly cannot be absolute. Every constituted State must have some voice in the organization of industry, and will impose certain conditions, the formation of guilds or the granting of concessions. Moreover, there are some industries which are worked to the common danger in incapable hands. The building trade is not absolutely free in any State in the world, but has to conform to certain regulations.

On the other hand, this right to free labour is capable of a positive extension, which we see gradually approaching at the present day. If it is agreed that every man has the right to gain an honest living, the next deduction may be the positive right to work. We see at once how dangerous and how easily abused this right would be, but in face of the great peril arising from the industrial forces in modern times it is not possible to refuse it absolutely. The State must see that work is forthcoming for those who are honestly seeking it, and must also care for the physically unfit in some way or another. The right to work is one of the most difficult practical problems of personal freedom ; nor is it one of those rights which are universally recognized, for many educated people deny it utterly. This conception is still expanding, for all rights are in a state of perpetual growth.

We come to the next step in the recognition of human rights—in the freedom of the reasonable man to give expression to his opinions and convictions. This brings us, in our period of civilization and over-civilization, at once to consider the right of liberty for the Press.

Upon the Continent freedom of the Press has been made a fundamental principle in all political Constitutions, but we must not lightly assume that it necessarily includes the free expression of opinion. Every man may speak the truth, and the State must not prevent him, but Truth is a subjective conception, and the right to declare it openly is accompanied by the no less binding

duty to refrain from doing public harm by the spoken word.

The right to strengthen that spoken word a thousandfold through print by no means follows from the right to speak the truth; nor is the right of absolute freedom for the Press a necessary consequence of the freedom of the individual. Here, too, we must consider the question as a whole, and examine the character of a modern State. Any discerning Government would admit that open criticism was an advantage in the long run, however much the Press may have been a thorn in their side. It is essential for a Government to keep in touch with public opinion. Let us remember the famous decision of the Supreme Court in Berlin in the days of Frederick William II. An indictment was brought against some publication which had criticized the King with great severity. The Court held that it would be an insult to his Majesty to pronounce such a pamphlet dangerous. A Government whose conscience is clear must, in fact, welcome public criticism.

The wish of the individual to express his opinion freely is a secondary point. This personal desire, like all others, is very definitely subordinate to the conflicting duties towards the community. For a long time this right was fettered by the power of the Church. The censorship is of Papal origin, set up in fact by Alexander VI. when the humanistic ideas began to make headway. Later, in the Wars of Religion, it was most actively employed on one side and the other, and then taken over by the

State for political purposes. It was England which led the way to a freer development. Milton composed his magnificent *Areopagitica*, the finest defence for liberty of the Press which has ever been written. Thus in England the Censor was early abolished, although this did not lead to any complete freedom for the Press. It was still in the power of an unscrupulous Government to arraign the author of an inconvenient libel. He must indeed be brought before a jury, but only to decide upon the question of authorship. It was not until shortly before the French Revolution that the Court was empowered to pronounce whether a book was a punishable libel. From that time forward the Press-prosecutions gradually ceased, and finally disappeared completely.

It is most important to cherish no illusions as to the functions of the Press.

The daily Press in particular, from whom serious and considered judgments cannot be expected, is essentially superficial. It cannot be a creative force, but it brings such forces to the public notice. It gives prominence to desires and passions already existing among the people, and it can invest them at times with an appalling power.

When it trumpets these interests with all the shameless influence of the printed word it can make itself a real public force.

Add to this the horrible abuse of anonymity, whose consequences cannot be too strongly condemned. What an error it was to suppose that a free Press would be an instrument for educating

the public judgment! It has rather become a school for moral cowardice. When the first attempt to introduce it into a still innocent Germany was made after 1815, all liberal opinion was in its favour, on the ground that in a free Press every article should be signed by its author's name. But we let slip the proper opportunity of carrying out this principle. Then, after the Karlsbad decision, came the shocking maltreatment of the Press by confiscation, etc. Anonymity became necessary for self-protection, and the blame lies at the door of the Government. Our feelings about this moral pest are similar to those of the Oriental with regard to the actual physical plague.

When the simple-minded reader sees in his newspaper some sentence beginning, "Let Russia be warned," his fancy pictures some daemonic power, but if he were aware that there was nobody in the background except Veitel Itzig or Christian Müller, the words would only make him smile. The mere fact of anonymity creates an uncanny impression upon uneducated people. It is everywhere considered mean and cowardly in a man to seek refuge behind it from responsibility for his own words. That which is dishonourable to the individual cannot be wholesome in public life. This applies all the more to the Press because the moral responsibility is greater in proportion to the power and the wide dissemination of what is said. We feel then reminded of a madhouse when we see men employed in dragging all secrets to the light while they remain concealed themselves. Public

opinion is thereby corrupted beyond expression. You, who hear me now, will later on have more experience, and will stand above the average opinions of our time; you will understand then that this nineteenth century, now drawing to its close, has not upheld a high standard of public morality. It is an age of money-grubbing, and it will take a low place in history. We are dealing now with facts as they are, and we find that the man of to-day would as soon do without his daily bread as give up his daily newspaper; its garbage has become his necessary nourishment. We must therefore start from the simple thesis that the modern State requires the free public discussion of all social and political questions, and that the indiscretions of the free Press are less harmful than the danger of the deep-rooted embitterment of men whose mouths are closed.

The State of course can, and may, attempt to curb the excesses of free speech, and may adopt either preventive or repressive measures to do this. The first course, as we all know, has been tried for centuries through the Censorship. It is enough to say that the Censor was invented by the Papacy. The office is tyrannical in its very essence, and the working of it is highly dangerous for the State itself, as long experience has proved by the bitterness which it arouses. A State which has a Censor tacitly admits that every publication appearing within its territories expresses its own opinion, it undertakes a responsibility for all printed matter which is impossible to sustain. The office of Censor has

always been so heartily detested that its bearers, with the exception of the priests, have almost all been men of evil character. In the period before 1848 a certain fourth-rate professor dwelt in Leipsic and exercised the Censorship. He denied fair treatment to many, including the Göttingen Seven, who counted such men as Dahlmann and Jacob Grimm among their number. Stupidity and mediocrity interfered capriciously, and created much ill-feeling. Moreover, men soon learned under the Censor to use a certain veiled style of writing, where hints and allusions worked far more poisonously than any free open attack. Censorship is so generally condemned to-day that it will never be set up again.

There are obviously other preventive measures possible for the State, such as the forfeiture of money guarantees. Unfortunately this weapon also is a clumsy one, because the most offending newspapers are also the richest, and are invulnerable to this method of attack. The modern Press is, indeed, Janus-headed. Next to anonymity, its second deeply-rooted abuse is the totally unnatural connection between its political function, which is the treatment and dissemination of the views of a particular party, and the business of advertisement. It is perfectly plain that there is no inherent bond between politics and the trade notices of this or that tailor or bootmaker. Nay more. The monopoly of advertisements was once the property of the State, but in Prussia it was allowed to lapse, and the business of advertisement has now become so closely united with the political party journals

that it appears to be impossible to alter it. Advertisements have become the very foundations of our newspapers, for none of them can even approximately cover the cost of production through the profits of sale alone; while in the matter of advertisement it is precisely those newspapers which are most despicable and morally depraved which obtain the most success. They employ any means of obtaining them, and make it a rule to pander to the lowest tastes and the meanest instincts of the public. There are many decent people who heartily despise their newspaper, but are still obliged to go on reading it. Thus the worst journals have the largest circulation, and are so rich that the imposition of a fine of a couple of thousand marks is no deterrent at all.

The idea of instituting an examination for journalists has occurred to some worthy folk. The English are right in saying that the Germans are an astonishing nation, for one-half of them are always engaged in examining the rest. It is a Chinese shibboleth with our professors that manly dignity is only to be attained through examinations. It would be interesting to discover the proposed form which this journalistic examination should assume. There is a mass of news-sheets in the provinces whose preparation requires nothing more than a piece of clean paper and the knowledge of reading and writing. The examination for them would, therefore, be for proficiency in the aforesaid knowledge; or should there be a different test set for large newspapers and small ones? The proposal does

not touch the root of the matter, for it starts from the wrong end, and assumes that virtue is the product of intelligence. There are men of integrity and honour among our journalists who deserve our respect only because they have kept themselves so honest in such an atmosphere. The majority, however, are of the Catiline order, men who, as Bismarck said, would never have got on in any other walk of life. No examination would succeed in excluding these, for they are particularly well provided with the required intelligence. We must, unfortunately, come to the conclusion that in a free State a better appreciation of moral values on the part of the public is the only way in which an unworthy press can be made to reap the contempt which it deserves.

In cases of urgent danger our Press law gives the police the right of temporary confiscation. Here once more we touch a point of dispute between England and Germany. Is it best to confer discretionary power upon the police officials, only to be practically enforced in times of unrest, or should these powers be withheld, and disturbance dealt with by martial law? Every State must adopt one of these two alternatives, because all political freedom must be limited. The Germans have chosen the first-mentioned plan, the English the second. The consequence is, as we have seen already, that the proclamation of a condition of war is much commoner with them than with us. The German method is the right one here; there is no necessity in an orderly State to treat the police with an absolute lack of

confidence. It is, however, clear that this right of confiscation can seldom be exercised, and in most cases would not be effective. We are therefore driven to the conclusion that up till the present no reliable preventive measures have been found against a really free Press.

There remains then only the punishment for errors and crimes committed by the Press. All legislation for this must be grounded on the principle that these offences are not *delicta sui generis*, but are many and various, committed through the Press.

Blasphemy remains blasphemy, and *lèse-majesté* does not alter its character, whether they be committed by word or deed or through print, the only difference being that blasphemy reaches farther when printed and read by thousands than if uttered by word of mouth. But the verdict must not be influenced by intention. The State has no ground for judging the man who insults God in the newspapers differently from the man who shouts his blasphemy in the streets. Therefore the Press must not be arraigned before a jury, except for serious crimes. This unwelcome truth is a result of the principle of perfect equality before the judge, which must apply equally when it is to the disadvantage of the Press.

Furthermore, the Press must not be immune from the obligation to give evidence. Exception must be made if a transgression has been committed by means of the Press of a kind which could not have been committed by journalists. If the publication of an official secret clearly points to the responsibility of some official for

its betrayal, the law should have power to arrest the editor in order to obtain his evidence. But if the right to compel evidence be conceded, the editor shall not be held responsible for the delinquency of another, any more than I take upon myself the murder or theft which I have not committed. In considering all such problems we must bear in mind that it is very often nothing more than a colossal egotism and love of notoriety which masquerades in the guise of public opinion.

With all this we are still not secured against the mischievous action of the Press. The result of legal proceedings very rarely produces any universal or unanimous impression. Such lawsuits are seldom decided in favour of the plaintiff, as the points raised are rather of a subjective kind.

Therefore it is not conducive to the dignity of the State when high officials institute libel actions too frequently. A thick skin is the first necessity for a modern statesman. Cavour was a model in this respect, for he was perfectly indifferent to all unfriendly attack in the opposition Press.

The hope that journalism would be its own remedy has proved as illusive as the other hope which expected fair prices to follow automatically upon Free Trade. Meanness and stupidity are all too often stronger than integrity and common sense. It is not to be denied that the freedom of the Press has not brought the blessings in its train which enthusiasts once looked for, but we must maintain a scientific impartiality, and not ask of it more than it can perform. We must

say without prejudice that its function is not to instruct, but to give the news, and as regards intention to bring to public notice the different interests which animate the people. Such a class of newsmongers are indispensable in a time where active intercourse makes publicity a necessity.

Its inevitable corollary is the undeniably devastating influence of newspapers upon individual culture. The calm verdict of later times upon our century will be guided by two symptoms; the mountain of waste paper which we have accumulated under the title of newspapers will be regarded with as much disgust as the asinine character of much of our literature. It is impossible to express how far our society owes its intellectual sterility to the Press. The danger was foreseen by old Goethe. The Press now provides all the information which was formerly carried from mouth to mouth, and it supplies thousands with the same daily nourishment. Most of it is immediately forgotten, the second edition wipes out the memory of the first, and nothing remains except scandal, and vulgar jokes.

Our letter-writing is a good indication of the universal emptiness of mind. The test of the cultivation of a period lies in the value of what is said rather than in rapidity of correspondence. Speed and cheapness of postage have made our letters so terribly poverty-stricken that the brilliant and witty letters of former times have vanished. In addition, there is the prevailing idea of the nineteenth century, which

is already making its way into the Prussian system of education, that the human ideal is to be a walking encyclopedia. It is thought to be unbecoming and a sign of lack of education to be unable to converse upon every possible subject. Young men ought to have the courage to be sincere upon this point. There are still some simple-minded women, but only very few quite exceptional natures among men, who are brave enough to be ignorant and to say openly "I don't know" when the conversation gets beyond their range. People should consider that it is beneath them to repeat parrot-wise, and ought to confess their ignorance honestly when the talk concerns something which they have no knowledge of. The courage which will confess ignorance is a proof of breeding.

Nowadays, however, a man's mind is expected to be a mass of memoranda, which are labelled as a general education. Education in its real true sense is the very opposite, for it is the building up of the independent personality, one of the noblest and most difficult moral duties of mankind.

An ever-increasing mediocrity has resulted from the whole trend of our time towards the formation of huge parties and the growing power of journalism. The Middle Ages were aristocratic in the good sense as well as the bad, the present day is mediocre in good and bad alike.

Modern democracy has given the middle classes an influence which is often carried too far, and they unite a natural dislike of extremes with their

many social good qualities. They distrust real genius, the attributes of high birth and outstanding talent are distasteful to them, and consequently conventionality has always been the characteristic of their ascendancy. It is typified by such follies as Volapuk or "Zohnenuhr." What a substitute for our living language which God gave us, and our human instinct wrought out! We feel sometimes that the nineteenth century has seen a great enlargement of the limits of human folly.

There is one fundamental right, which no one now contests, which goes hand in hand with freedom of speech through the Press. It is that of a free religious development, so far as it concerns the individual in his family life. The right to practise his private devotions follows upon the admission of his freedom of conscience, and for him it is sufficient, but we shall see how truly Schleiermacher spoke when he said that religion hates isolation. The demand for the recognition of great religious communities is the necessary consequence of freedom of conscience.

All these individual rights of which we have hitherto spoken are of small value, even if guaranteed by the State, unless they are secured by a high measure of tolerance in the people. We Germans may safely say that we are in this respect the freest nation in the world. With us every man may bestride his own hobby-horse. We have absolutely no national prejudices which may not be assaulted. The Fatherland itself is not held sacred in conversation. Upon the whole this is a sign of the inward liberty which we have

attained through the long truce of the many rival persuasions in our midst.

In the Anglo-Saxon countries it is very different. There are in England certain national ideas of decorum which must not be transgressed. The elastic epithet "shocking" wields great power there. Other nations have political traditions which may not be disputed. It would not be well received in Switzerland if anybody were ill-advised enough to express his real opinion about the mythical history of William Tell and other heroes of the past.

We perceive that there is less and less social tolerance in a free State where there is great political activity in the mass of the population, and that with the increase of real political liberty, forbearance towards the individual ego is bound to dwindle. There was an infinitely greater originality of mind in the eighteenth century, under an Absolutist form of government than there is to-day. Then the cultivated men in Germany lived so secluded that they were able to guard their own personality jealously, and develop it in their own fashion, bizarre as it often was. Our whole existence, on the other hand, is designed to make men like a flock of sheep, and countless habits and customs are now common to all. The irresistible power of fashion is example enough. Because it is considered respectable that every one should look as like his neighbour as possible, we behold the miracle of millions clothing themselves in garments which they feel are ridiculous.

Liberty for development of the personality

carries with it another right, almost wider in its scope — that of freedom to form associations and assemblages for political, social, or religious objects. It is clear that the sphere of the individual is here soon left behind, and equally obvious that this privilege is in much greater danger of being abused than mere liberty for opinions. Stricter limits are therefore set upon it. Meetings may begin for a legitimate purpose, and end in an extremely dangerous Club dominion if they are allowed to go on permanently, and at last Parliament becomes the servant of the Club, as the history of the Jacobins shows. The State must therefore regulate associations and assemblies even more carefully than it must control the Press. Hence comes the prohibition of great open-air meetings, or at least the order that intimation of them must be given beforehand to the police. More is involved than the personal rights of the individual, for it is a question of a power arising which may easily become a menace to constituted authority.

It is an important principle that secret societies must not be tolerated within a State. They only arise where freedom is absent, or they degenerate, like the Nihilists, into anarchy. There is no need for secrecy when every chimera may be safely followed as openly as it is with us. The State makes an exception in favour of secret societies which it knows to be harmless. In Protestant countries the Freemasons have perfectly innocent social objects; in Catholic States it is different; in Belgium, for instance, they wage a continual warfare with the Confessional. The

German people have fortunately little talent for secret societies and conspiracies, but they have always flourished in the Latin countries, especially in those which have long been politically oppressed.

Furthermore, no society can be tolerated which demands unconditional obedience to an authority other than the State. The State is sovereign, and therefore it may not concede to its members the right of subjecting themselves to any other power. This is the reason why the Society of Jesus is incompatible with the safety of a modern State. The oath of blind obedience to foreign superiors involves the continual secret interference of alien influences. It would only be safe to tolerate the Jesuits where they can be constantly watched, and rapidly expelled in times of danger, as was done under Frederick the Great, who could have banished them at any moment, with a promptitude which no Constitutional monarch could hope to compass.

In conformity with the French pattern, equality and fraternity are added to the right of freedom considered common to all mankind. Let us first analyse the idea of fraternity. We see that the law of charity cannot be binding for the State. Charity cannot be made to order, but must spring spontaneously from the heart. Neglect of this truth led at the time of the French Revolution to the self-contradictory motto, "La Fraternité ou la Mort"! There is no cajoling fraternity; it must come uncalled with experience of life, and consequently it must

never be cited as a fundamental right, since no legal principle can be deduced from it.

Equality too, taken by itself, is clearly meaningless, for it may as well involve equal slavery as equal freedom. There is no greater bondage than the dead level of monastic life, where the idea is carried out to the uttermost in the sense of equal slavery. History shows us how the nations which prize equality above all else are precisely those who fall into a condition of universal slavery, as the French illustrated when they wanted to pull down Strasburg Cathedral because it towered above the other houses.

So the end of it all is a frenzy of equality.

Equality can obviously only be morally postulated for those most universal and highest blessings which it is man's peculiar dignity to aspire to. For instance, we all have like claims to those aspects of liberty already considered—personal freedom and legal personality; we have the right to express and give effect to our reasoned opinions, religious convictions, etc. The equality of all subjects before the judge is an absolute constitutional necessity. This reasonable demand has led, as we have already seen, by a confusion of thought, to the idea of the equality of all in the eye of the law.

The State can only recognize the equality of all men in as far as it corresponds with the actual nature of things. The State, as we know, is the outward form which a nation has moulded for itself in the course of history. It will therefore be healthiest if it respects, and legally recognizes, existing inequalities of birth, wealth, education,

etc. If, on the contrary, it tries to ignore natural differences, they will avenge themselves in the feebleness of the Constitution, even as democracies have ever run a more spasmodic course than the aristocracies or monarchies which take these differences into account. The State cannot guarantee an equal wealth, only an equal right to inheritance. It would be a mad undertaking to attempt to establish an equality of riches, which depend first and foremost upon the various talents and capabilities of the individual. It would wreak havoc with all the beauty, the greatness, the variety of our civilization; we cannot imagine the empty monotony of life in these conditions. Moreover, there is a further obstacle to the equality of possessions. By far the greatest part of what we have has been earned, not by the present generation, but by the industry of those who went before. Justice demands that they, who wrought for it, should decide upon the division and possession of their property. The law of inheritance is therefore a perfectly natural necessity.

Furthermore, there is no State where political rights are meted out quite equally. It is both untrue and revolutionary to say that every human being has a natural right to share in the construction of the Government. Every State places certain limits upon the Suffrage; it excludes women, minors, criminals, etc. It insists on definite qualifications for the filling of certain high offices, and it is beside the point whether the standard it fixes is one of wealth or birth or knowledge. It depends upon the constitution

of the State which quality will be most considered, but equality is nowhere to be found. In the aristocratic England of times gone by it was believed that a young man of good family would possess the knowledge which is needful for a ruler of men, and these young gentlemen, who had passed no examination, ruled after such a fashion that the greatness and the power of their country increased beyond calculation. In Germany, on the other hand, we demand a fixed standard of knowledge, to be measured by examination, and our plan also has had good results. Our official system is admirable, and more freely accessible to talent than is the case in any other country. But it is easy to see that there is no question of legal equality in it. Material qualifications are usually bound up with the intellectual tests, and only a small minority of the great mass of the population will ever swell the ranks of the officials, who will always be recruited from the well-to-do classes, who can afford to give their children a wider education. The barrier is, fortunately, not insuperable. Talent can break it down, and it is impossible to give it too many opportunities to force its way through.

We Germans are, as a matter of fact, a more democratic nation than the English ever were, and our official system is framed upon those lines. But this gives us no reason for saying that England is wrong when she attaches so much importance to birth. If we have ourselves a number of families whose right to sit in the House of Lords is hereditary, it is not because

we desired to show especial favour to them, but rather because the State felt that these ancient houses were so identified with its own well-being that they must not be ignored by the legislature.

The examination superstition is matched everywhere to-day by the vote superstition. But what does the vote do beyond raising to power the party which has for the moment the most adherents, although it is so frequently the most foolish and the worst? There is no gainsaying the principle that the pretension to a direct share in Government cannot be grounded in human nature as such, for it is both the right and the duty of every State to lay down the conditions under which such participation shall be guaranteed. It is upon the whole an advantage when constitutional laws consider and emphasize the natural inequality among men.

Finally, let us consider the so-called right of resistance, which has been held up as the security for all these rights of freedom. This became a burning question when the Christian world awoke to the sovereignty of the individual conscience. It could hardly come into conflict with the law in the States of antiquity, because the whole life of the people was then contained by the State, which could therefore do no wrong. The decision of the sovereign people was in itself lawful, and the individual must accommodate himself to it, as a part of the whole. Moreover, since the ancient world had only national religions, there was no contrast between Church and State, and the difficulty did not arise until the Christian era. But in how terrible a shape did it present itself

to the first Christians! They had to sunder themselves from a Pagan State, which to them was an accursed thing. Therefore we can find no positive feeling of citizenship among them, for the Christians of those days could only yield a painful and reluctant obedience to the State. This is the cause of the peculiar clandestine position which Celsus and other noble Romans reproached them so severely for adopting. In the last resort they put themselves on the defensive, and found their fame in martyrdom.

Thus the history of the earliest Christianity is the record of a continual resistance to authority. Politically, the first Christians were no other than rebels. But, on the other hand, the impulse of humility and submission is so much in the spirit of the New Testament that doubts very soon arose as to how far this resistance should be carried; and as the Roman Empire became Christianized the principle of sorrowful obedience was established more and more. It was but little disputed during the Middle Ages, but the century of the Reformation is the classic era in which every man had to settle the question of resistance with his own conscience. Then we see on every hand how Catholics and Protestants summoned their foreign co-religionists to their aid against the enemies of their faith among their own countrymen. Here was the natural ground on which the doctrine of the right of resistance took root and flourished. Zwingli, a decided Republican, summarily pronounced that authority should be accursed of God when it forsook the way of Christ. Calvin said that the

subject was relieved from his allegiance to the earthly power when it contradicted the Word of God. Luther, however, only reached this opinion very slowly, and after many inward struggles. He was near his life's end before he decided that there is no distinction between the Emperor and the common murderer, if the Emperor employs public or *notorie* unjust power outside his office; for public *violentia* abrogates all obligations between subjects and rulers, *jure naturae*. The German Lutherans, who were not capable politicians, applied this axiom very unskilfully, and after a time abandoned it again, so that Lutheranism got the reputation of being in dependant subjection to the territorial suzerains.

Theoretic disputants also engage in these controversies. There are the so-called "Monarchomachen" who defend the subjects' right of resistance from the Old Testament books. Every really believing nation, they say, makes a contract with the Lord, and in virtue thereof the secular power undertakes to maintain the authority of the Word of God. So long as they keep their pledge, the people obey them, but are freed if it is broken. The Jesuits preach the same doctrine for different reasons. For them the Church is the only State directly sanctioned by God. Consequently no secular State has the right to exist unless it serves and obeys the Church. Otherwise it may be disregarded, and even regicide is permitted. Disciples of the Jesuits carried out the murder of Henry III. and IV. of France.

During these very troubles the Huguenot Languet brought out his book *Vindiciae contra tyrannos*. He summed up his wisdom in the sentence, " We will allow the King to govern us if he will allow the law to govern him." Here already we find the implication of a mutually binding contract, and the theory soon became all-pervading, until in the seventeenth and eighteenth centuries nearly every political thinker was imbued with the idea that the Government and the nation had concluded a treaty, not to be held binding if broken by either party. This conception prevailed to such an extent that it became the foundation of the whole English constitutional law. It is characteristic of the shallowness of modern Liberalism to fail to see how the much-admired English constitution rests upon the totally perverted doctrine of contract. This must be insisted upon, although it is an unpalatable truth to most moderate Constitutionalists. The Guelphs have nothing else to thank for the throne of England. The King made himself a party to a treaty with his people ; he broke his part of the bargain, and was accordingly driven into exile. There is the ruling principle, which even Frederick the Great recognized when he said, " The Prince has promised to guard his people's rights. If one side breaks faith the other is absolved from keeping it." As a matter of practice, however, the champion of this doctrine would have had short shrift with old Fritz !

There was indeed a vast difference between theory and practice in the eighteenth century.

Theoretically this teaching of resistance was hardly disputed. It is to old Kant's eternal honour that he discovered its latent contradiction, although his political beliefs were in other respects very radical and in sympathy with those of Rousseau. In his *Natural Law* he deals with the doctrine of resistance in a manner which redounds greatly to his credit. It is a remarkable thing that great men alone have the courage to be inconsistent. Every one reaches a point in their intellectual development when they must gainsay themselves and retract some earlier beliefs and assertions. It requires a man of mark to do this freely and fairly, the mediocre mind fights shy of it. Kant remarked quite justly that the doctrine of resistance rights contained a contradiction. The rights, he pointed out, have to be conferred upon the people by the sanction of a public law; that is to say that the most authoritative legislation contained within itself a denial of its own supremacy. Kant was on the right track, but he was himself too much a child of the eighteenth century to be able to find the way out of the dilemma.

The ridiculous idea of the State subordinate to Personal Rights, of which it is the creator, only disappeared in Germany at the rise of the historical school of thinkers. It was realized that a treaty derives its binding force firstly from the State, and at any rate nobody would dare now to ground a right of resistance upon the old doctrine of a mutual contract, for the really scientific minds perceived its folly. Here

Savigny and Niebuhr stand clearly for the liberal political thought, while Welcker and his companions are the reactionaries.

We must therefore banish all thought of any absolute right of resistance. No modern Constitution, not even Roumania's or Norway's, have assumed such a thing. But since some limit must be placed upon the caprice of authority, the doctrine of so-called constitutional obedience arose, which has attained so astounding a domination among average Liberals. It sets forth that if authority gives an unlawful command, it is to be regarded as a capricious action, and may be disobeyed by every subject. Most people adopt this as an axiom as light-heartedly as I myself in my younger days. We were all Radicals at the time of the German Confederation, and in those days I believed that resistance to the illegal ordinances of authority stood self-acquitted from the first. Then one day I went to my fatherly old friend, Professor Albrecht of Leipsic, the celebrated teacher of jurisprudence, who had been one of the Göttingen Seven and had given up his income and made immense sacrifices, and when I expounded to him these views of mine, he answered, "Ah, my dear young friend, think it over again, for it is nothing more nor less than a *petitio principii*." And yet he had himself made practical trial of it all. I could not hide from myself that his theoretic condemnation was absolutely sound, for although it is correct to premise that authority is acting capriciously when it issues a command in defiance of law, it is clearly false to conclude that such

command may be lawfully withstood by every one.

Who, then, is to decide whether a decree is in accordance with the Constitution or not? The outcome of this doctrine, both in theory and practice, would be to make the individual conscience sovereign over the public authority. Then indeed would the pyramid of the State be set upon its apex, if the command were thus shifted from the ruler to the ruled.

We have shown, then, that this teaching is quite worthless, and it has been recognized as such by all practical legislation of the nineteenth century. No one has defended the absolute right of resistance since the fatal experiment made with it in France. The Convention laid down this clause in its Constitution: "If the Government infringes the Rights of the nation, rebellion is the most sacred privilege and the most indispensable duty of all and every section of the people." Every man of the thirty million of Frenchmen thus became one of the tribunal which was to decide whether the constituted authority had injured the nation's rights. However, this constitution had not been in force for more than three weeks before civil war broke out, a war of all against all.

In this doctrine of the right of resistance we have a clear instance of the confusion which is introduced into the elements of politics by the use of the same word in German to mean both "Rights" and "Law."[1]

The idea of a positive right of resistance arose

[1] Translator's note: "Recht."

in the mind of the shallow thinker, because every man who believed in the moral justification of his disobedience to a decree of the State spoke of it as a lawful resistance. Such a right is as a matter of fact not thinkable at all. There can be no law to set aside the law of the land, nor can there ever be a right to perpetrate a wrong. Neither is there a law of resistance to action taken by authority which runs counter to law. This is the reason why the German Penal Code makes it a punishable offence to withstand an official who is carrying out in legal fashion the commands of constituted authority, irrespective of the legality of the command itself. The individual against whom the illegal order was directed can only find redress by lodging a complaint against the action of authority; upon his plea the State itself will then examine into the circumstances.

There is no taint of servility in all this, for it is obvious that denial of the right of resistance for the individual conscience does not carry with it permission for the Government to run completely counter to the moral assent of the citizens. Certain it is that we cannot uphold the American Declaration of the inborn rights of all mankind, but equally certainly it contains the germ of truth. There is an exaggeration in that sentence of the United States Declaration of Independence which runs "the just powers of Governments are founded upon the consent of the governed," but Government is always and everywhere unstable unless it rules for the benefit of the people and can rely upon their moral support.

"Salus civium suprema lex" holds good without exception for every State. Germany has grown great upon this principle, and to abandon it would mean anarchy and ruin. Cromwell, even in his day, was able to say that the world was beginning to deride the delusion that the people belong to the King. If a Government really and fundamentally transgresses against the common weal, a contradiction may arise, so great that the Constitution will at last be shattered. This will be recognized by the most staunch Conservative; there are great moral treasures belonging to man which stand so high that the Constitution of States is a little thing in comparison; citizens may be driven, especially for the sake of their faith, to overturn existing authority and to dare a revolution. But this can never be a law. The Revolt of the Netherlands, and many others, can be historically justified, but never upon grounds of law.

There is no better way of demonstrating this truth than by drawing a comparison between the relationship of ruler and subject, and another relationship which ought to be equally indissoluble—namely, marriage.

The marriage tie must sometimes be broken, but if it were set forth in the marriage contract that this should happen in such and such cases, it would be marriage no more, but simply concubinage. Although human sin and frailty may sometimes dissolve it of necessity, it is not to be laid down definitely in the contract. It is equally impossible to define beforehand what are the circumstances in which obedience to the

State may be set aside. While we recognize what noble and lofty impulses have sometimes driven nations to overthrow their own Constitutions, we must never allow ourselves to look upon their acts as the exercise of Rights.

Herein lies the tremendous importance of the Oath. The political oath is necessary to protect the State from continual revolts and risings. Although it creates no new obligations it sharpens the consciousness of those already existing. It is the atheists who are responsible for the folly of the Radical cry for the abolition of the oath, but it is an insolence when a small minority demand that the whole State should act according to their wishes. The experience of a thousand years has taught the indispensability of the oath; for one thing, it is essential for the Army. The French, as we know, have broken the oath of allegiance pretty often in the last hundred years; and it is significant how, after each occasion, the proposal was made to do away with the political oath in the new Constitution. They realised the guilt of perjury and wished to spare themselves so uncomfortable a feeling for the future. This is example enough to prove that the oath remains a real power in the State.

The maintenance of its sanctity in truth and honesty is always a sure sign of the high moral worth of a nation. Soon after the War of Liberation Schleiermacher made a very pertinent remark about the old German Confederation. "What makes this senseless situation endure at all?" he asked; "nothing but the integrity of the German people." The firm grip upon duty,

morals, and customs, even to the point of prejudice and narrow-mindedness, is at the root of German character. This strong feeling for law may hinder a nation's development under certain circumstances, but the moral advantage to be drawn from such tremendous integrity is far greater than any political drawback it contains. In the passionate excitement of the year 1866 every one of us who was Prussian in sympathy asked inwardly why the South German troops did not come over to the black and white Standard. Later on, in cold blood we ourselves had to admit that their fidelity to their military oath was a sign of the sterling quality of these soldiers; a firm assurance that they would in time to come fight for the German cause with a far more joyous spirit. And how did not they fight, in the bloody days of 1870 and 1871, these brave Bavarians and Wurtemburgers, Hessians and Saxons, whom we used to gird at! Have we any cause to envy the Italians because at last everybody came over to Garibaldi?

Steadfast loyalty, even though it may be blind, and sometimes politically mischievous, must always remain a proof of the healthy condition of a State and a nation.

SECOND BOOK

THE SOCIAL FOUNDATIONS OF THE STATE

VI

LAND AND PEOPLE

ARISTOTLE said long ago that the State requires a particular kind of material, capable of being soundly and reasonably organized, and he defined this natural material as land and people. This conception, simple and empirical after the fashion of antiquity, has prevailed in the end over that doctrine of Natural Law which finds the foundation for the State among the clouds of fancy. We have returned to Aristotle since the time of Herder. It is quite clear that the State is founded upon the possession of land. A fixed territory is a primary condition for the existence of a healthy State, and exceptions make no difference to this rule. It is true that we may still grant the title of State to the Visigoths in their wanderings under Alaric, or to the Athenians fleeing upon their ships, but these were immature circumstances or transitory conditions. Land and people must go together, because the self-sufficingness which is the essence of the State is unthinkable apart from the possession of definite territory.

The relation in which the State stands to the land is one of political dominion, and the sub-

jection of the territory to the lawful commands of authority : *potestas* but not *proprietas*. *Proprietas*, however, may be added, for in many theocracies the State is also the holder of the land. Among the Jews a fresh partition of the soil was decreed for each year of jubilee, and the underlying legal idea was to show that Jehovah was the real possessor of the Promised Land. This patrimonial conception of the claim of the State upon the soil of the country is common to all the theocracies of the East. In the same way the State was regarded in feudal countries as possessor of the land in virtue of its feudal overlordship. Later still, the conquered provinces in Switzerland were governed as Prefectures, that is to say, absolutely as the private property of particular cantons. Constitutions framed upon this principle have disappeared in the course of time, because the principle is unworthy and inconsistent with liberty. These privately owned possessions have been converted into provinces and cantons endowed with equal rights.

There were some instances in the Middle Ages when this more slavish conception contributed to strengthen the power of the State. William the Conqueror obtained very direct political control through becoming the actual possessor of the conquered island. But in nearly every case the confusion between the rights of the State and the individual in the feudal system is the very cause of lack of precision in the understanding of what the State actually is. Above all, the idea of the inalienability of its dominions can only be properly apprehended in

fully matured political conditions. The misunderstandings which prevailed among our petty Princes are proofs in themselves of how little this idea had taken root. The Dukes of Nassau and Siegen, dwelling in Siegen side by side, divided from each other by violent national hatred and religious differences, regarded themselves only as rival landowners.

Brandenburg, in 1473, was the first of the territories to lay down the principle of indivisibility in the "Dispositio Achillea" of Albrecht Achill. Its example was gradually followed by the larger among its neighbours, by Weimar only at the end of the eighteenth, and Meiningen at the beginning of the nineteenth century. In these cases it was pure imitation, as these little places could not really feel that they were States. We only understand the value of what we possess in Prussia when we examine these miserable conditions in Thuringia.

Since the State must, humanly speaking, be regarded as eternal, its domain must be enduring, and not alienable like an ordinary estate. Therefore this principle is incorporated in modern Constitutions, although, like all that is human, it must only be taken relatively. It means that surrender of territory can only take place by formal decision of the supreme Government, consequently with the formal consent of all legal authority, so that the unconsidered hawking of provinces, as in the Middle Ages, is put a stop to. But the possibility of loss of territory in the event of an unfortunate Treaty of Peace is not hereby excluded.

Here we must pause to consider how marvellously the opinion of modern nations has altered in respect to the legal aspect of surrender of land and people.

In primitive barbaric times it was naturally the rule for the victor either to slay, drive out, or enslave the alien inhabitants. He would seize the whole of their private property, and was thought generous if he did no more than make the native dwellers his slaves. The idea of the law changed when economic conditions had become firmly established. Then, as soon as a piece of land had been given over in due legal form, its inhabitants were released from their former allegiance, and became lawful subjects of the State which now ruled them. Their actual possessions were thus spared, and it became possible for material existence to continue undisturbed all through an unfortunate conclusion of peace. Hugo Grotius advocated this, and appeared in the guise of a tender-hearted reformer.

This aspect of the law expressed the real desires of the nations. In the days of a preponderatingly economic life, men clung so fast to their own soil that they even found it bearable to change their Fatherland. But even as we speak opinions on this matter begin to alter. The feeling of national honour has become so keen and sensitive that we have clearly entered upon a new stage in the public consciousness regarding it. The idea of becoming Frenchmen is so terrible to us that we would sooner forfeit our material existence. This was already recog-

nized in 1871 by the giving of an option to the individual inhabitants of Alsace and Lorraine. This very instance has shown us the danger of granting this right, and how true it is that, in political life, no man can serve two masters. We were far too good-natured, and the choice should never have been given.

We see, then, that sentiments change on this point, but it remains unalterably true that the opinion of the surrendered province itself should not be asked by the State as a whole when it takes the decision. If the dominions of a State are indivisible in law, save by the deliberate action of the supreme Government, then it follows that no single portion of the realm may raise its voice against that decree. No town is consulted as to whether it shall be made into a fortress, and it must be equally acquiescent if, by legal decision, it is torn away from its parent State. Terrible and hard as it may be for those who suffer by it, there is no alternative. Suppose that we had taken a referendum of the people in Alsace-Lorraine in 1871. If the Alsatians had declared against annexation we could not have agreed to their refusal, and *in saecula saeculorum* we should have had to go on fighting. That is where the modern doctrine of the philanthropic pacifist prigs would have landed us. There can be no end to a war until the hard fact is faced that the part must be obedient to the whole.

This becomes yet plainer when we consider that such popular votes are in their very nature shams. Are we to be expected to believe in

the sincerity of the one taken in Nice and Savoy when it is well known what a cloud of emissaries from Paris were there to influence popular opinion? Moreover, Italy had already given up the provinces, and there was no more to be done. The inhabitants of Nice and Savoy are prudent Southerners and worldly-wise; we find it most sagacious to assure our position from the beginning.

More important than these legal considerations are the deeper historical problems of how the geological and geographical formation of countries influences the development of States. We have made great advances in this knowledge since the days of Herder. The dependence upon natural conditions has long been recognized, it is indeed already exaggerated by the materialistic tendency of our time. Karl Ritter, who was properly the inventor of scientific geography, was secured by his deep piety from its concomitant materialistic consequences. On the other hand, the Englishman Buckle wrote a book, bearing *lucus a non lucendo* the title of *History of Civilization*, which is regarded by all materialists as a very fount of wisdom. In it the history of nations is traced back to the configuration of the country and to the form of their nourishment by a schoolboy's error, which assumes that because civilization is conditioned by such things it is totally dependent upon them.

Here once more we approach one of those deep problems of historical interaction which are the beauty and fascination of history. Thucydides makes Pericles say, "Man does not

belong to the land; the land belongs to man." The thought is indeed too idealistic; we weak human beings are not mighty enough to rise above the circumstances of Nature which surround our lives, but we do possess, in great measure, the power to overcome them. When you come to read Dahlmann's *Danish History*, one of the finest historical books ever written in the German language, you will not be able to withhold your admiration from the valiant Icelanders. The story is great and deeply impressive, of the struggle made by this splendid little people to wring a civilization, of which it may well be proud, out of the most unfavourable natural conditions which can be imagined. What a literature this Icelandic people can point to, and how high a level of culture, as the Sagas of the Edda testify. How small in comparison appear the achievements of the races of South America, with all their advantages of land and climate. Upon the whole the white races have a great faculty for overcoming climatic conditions; this is the physical foundation for the call of the European nations to dominate the whole world as one great aristocracy.

Furthermore, it is clear that humanity can to some extent alter the surface of the earth by the labours of civilization. This is best shown by its work of destruction. It is obvious what harm has been wrought by deforestation of lands whose civilization is ancient, where fruitful meadows have been transformed into barren wastes. Compare the condition of the Balkan Peninsula under Turkish rule with what it was

in the days of the Hellenes! What was once the home of the brightest and most beautiful civilization, the most joyous life and the most perfect art, has now become the most pitiable country in Europe. The disappearance of the magnificent forests of Italy has had a very injurious effect upon her climate. We have not been able to restore in two generations the havoc wrought by the destruction of our forests by the French in the Duchy of Berg and on the left bank of the Rhine. The Latin has no feeling for the beauty of a forest; when he takes his repose in it he lies upon his stomach, while we rest upon our backs. We no longer have the mossy forest ground in the Hunsrück, which sucked up the water from the sudden storms so quickly. Nowadays when the Moselle runs down in flood the manured soil of the vineyards is washed away.

Certain instances can of course be produced to prove how human cultivation can change for the better the natural conditions and the whole character of a country, and how population may influence climate. It is not necessary to take the observations of Caesar and Tacitus upon the perpetual fogs of Germany quite literally, but it is certain that the clearing of numberless forests and the draining of marshes have had an effect, and that our climate is much less damp now than it was in Caesar's time. Different nations can, in the course of history, make a very different thing out of the same country. The Mississippi has always been the same noble waterway that it is to-day, but it was no great

trade-route while only the Red Indians dwelt upon its banks.

Even the same geographical conditions have sometimes contributed towards different developments of national civilization. The history of England is a good example. England has always been an island, but how various has been the influence of its insularity at different times. In the days of the Northern Sea-Kings, when the Vikings ruled the sea, an island was more exposed to hostile raids than the mainland. A wholesome stirring-up of the various ethnographical elements ensued, and that admixture of races became possible which is the essential foundation of England's modern history. In later days, when sea piracy was at an end, and the land more thickly peopled, Shakespeare was able to talk of the silver wall behind which England could abide calm and secure. The same applies to-day, and so it happens that in modern times this very same insular position has enabled the national development to unfold practically undisturbed.

We see further how the contrast between the south-east and north-west of the country has run through the centuries of English history. In the fertile low country of the south-east, the earliest in cultivation, lay the capital, the great universities, the palaces of the bishops, the castles of the nobility. Here was the natural soil of old England while the north and west were still half barbarian. The difference between north and south is comparatively less than the difference of altitudes, which is very noticeable in the sea-air of England, where mountains of

moderate height have a fairly severe climate. The north-west, however, is hilly, and civilization was slower to permeate in consequence. It was always the stronghold of reaction in ancient England; its ruggedness made protest against the civilization of the south-east. During the Civil War the Stuarts drew the most of their adherents from among the rude and simple dwellers in the north-west, while the polished south ranged itself upon the side of the Parliament. Then came the eighteenth century with its discovery of the marvellous and unsuspected natural riches of England. The whole character of the north-west was changed by the knowledge of the great deposits of coal and iron lying side by side. To-day it is the seat of Radicalism, the home of the working classes, and the south country with its aristocratic tradition has become almost conservative in comparison — so marvellous has been the fundamental alteration in the old distinctions.

The study of the discovery of natural resources by mankind is of remarkable interest. It may be generally said of Germany that the Central Plateau was civilized earlier than the low-lying lands, and that these plains have for that very reason still got a great future before them. It is not hard even for a half-savage people to recognize the water-power of a mountain stream; such gifts of Nature lie, as it were, to be picked up. Those of the plain of North Germany are less easy to perceive, and even yet are not fully recognized, and for this reason a great future lies before it. Those parts of North

Germany have already been far more populated during the last two generations than the uplands of Central and Southern Germany.

Let us not forget that the domestic animals requisite for any given kind of civilization are transported by men, as are also all kinds of plants, from one climate to another, and naturalized in their new home. The camel seems a necessary feature of the limitless African deserts, and yet it was first brought there by the Arabs. We can hardly picture to ourselves the Gaucho of the South American Pampas except riding upon his long-maned, fiery mustang, fleeing with the speed of wind through the limitless plains; yet the old inhabitants of the Pampas had no horses before the Spaniards brought them. The spikes of the aloe seem to us to-day the inevitable ornament of the gleaming marble villas on the Mediterranean shores, and yet it is really a stranger to that soil.

Men have it much in their power, then, to alter the character of the land in which they dwell, in many and important ways. On the other hand, the influence of Nature upon human life will always remain a very strong one. She has an ungracious aspect which can only be withstood by nations which are both physically and morally very strong. Archangel can never rival the high civilization of Iceland because the Russians are settled there. But sometimes the country where Nature has been niggardly contains richer elements of culture than the luxuriant lands of the South. The abrupt changes of the seasons and the long, hard winters

engender a certain manly earnestness in the spirit of the North, an inward contemplation which is lacking in the South. It is quite according to Nature that the northern temper should be the deeper and the fuller. The mildness of the southern climate and the rich produce of the soil make the southerner soft and lazy ;— there are some places where the labour of two days supplies the livelihood for the whole week. Who will dare to blame the dwellers under the deep blue southern skies if they pass the remaining days in delicious idleness, while their northern brother has to toil and moil through six days of rain or shine to win an existence for himself ?

The sensuality of the southern races goes hand in hand with this indolence. Women come to maturity comparatively early in these parts of the world, and the southerner, by nature very sexually inclined, practises polygamy. Any person who realizes what an influence family life has upon the civilization of a people, will realize that polygamy must be a great moral misfortune for a nation. Slavery is the accompaniment of the harem, and this leads to other political conditions which are incompatible with liberty.

Thus we see how climate influences very closely both economic life and the life of the intellect.

Our manufacturing industry of to-day is only possible in a temperate climate. The materialists therefore say, with their customary elegance, that in the course of history the devourers of beer and butter overcame the devourers of wine and oil.

But neither butter nor oil are at the root of this difference, which turns upon modern industry and the kind of climate it requires. If we are seeking for laws on this subject it is clear that wealth in means of enjoyment, which are immediately consumed, is less important for civilization than the material of production which supports human labour. Take America as an instance. The Conquistadors all turned to the warm lands of the south, but the wealth lay in the north, which looked so unpromising, but contained all the requisites for production, the mighty coal-seams, etc., which bring riches far sooner than do the means of luxury.

Judged by this standard we once more see how wonderfully England is favoured by Nature. Both its position and its configuration are very enviable. The climate is mild and damp, which ensures a ripening of the crops far beyond what we can look for in our eastward land. The English farmer is only cut off from work upon his land for about four weeks of the year, whereas in Germany he must make holiday almost all the winter. The island position contributes to this, also the formation of the coast, the shortness of the rivers and their accessibility to the ebb and flow of the tides. A little distance above London the Thames is a pretty little meadow stream, but below London it becomes a mighty river, navigable by great ships. A courageous and industrious people are bound to become great and powerful under such conditions.

No gift of Nature which concerns the geographical conditions of States is more valuable

than a seaboard. But this, too, depends upon whether a nation understands how to use this advantage. The Spartans possessed it quite as much as the Athenians, but they always remained an inland State, while Athens grew to be a great sea-power. It is safe to say that in the long run a great development is impossible for a State without access to the sea. It is the first necessity for liberty and independence. This is so obvious a truth that it provides the explanation for whole epochs of history. It is the key to the antagonism between Poland and Germany. A deadly enmity which no one could appease arose because the German colonization extended so far eastwards along the coast, while the country behind remained Slavonic. Poland was obliged to try to get possession of the mouths of her rivers, while the Germans could not afford to let them go. Thus an unavoidable geographical conflict of interests arose. Every youthful energetic nation presses mercilessly forward to the sea. The restoration of her old possessions on the coast was the first demand made by Hungary when she had enforced the Dual System in 1867; she obtained it through the weakness of Austria, and got her harbour of Fiume.

All this is expression of a natural instinct. The sea is a strengthening influence upon national morale, and sea-faring peoples are seldom otherwise than free. There is scarcely any human calling so intolerant of inefficiency, nor any where men's powers find larger scope. The sailor's profession is essentially democratic in asking and judging

according to results alone. When we compare Sparta with Athens we see clearly how the sea power of Athens worked upon the whole character of the State, in contrast to the land-locked Sparta, whose spirit never won a wide horizon.

The purely inland policy of the House of Hapsburg is chiefly to blame for our cramped conditions in Germany. Then appeared the meteoric genius of Wallenstein, when the idea came to him of making a German harbour out of the Jahdebusen, and of constructing a canal between the North Sea and the Baltic. Nature has not treated Germany generously in these respects. The Baltic is practically an inland sea, as is proved by the little influence which it has upon the dwellers on its shores. A little way inland from the coast, Pomerania has lost all trace of being a country by the sea. Shoals make our North Sea coasts the worst that can be imagined. All the conditions are as unfavourable as possible, but they show us, nevertheless, how far mankind can overcome natural obstacles. In spite of them this Germany of ours was once the greatest of the Sea Powers, and, God willing, so she will be again.

So far as geological conditions are concerned, mountain ranges of moderate height are an advantage, generally speaking, in so far as they make natural boundaries without interfering too much with communication. Mountains inside a country have a localizing and individualizing effect. South Germany, as compared with the north, gives us an instructive example of this. While the life, the habits, and even the

peculiarities of speech are more or less alike in the northern plains, they exhibit the most remarkable differences in the various districts of the south, where we find totally distinct dialects, manners, and customs existing quite close to each other. The Federal Constitution of Switzerland is partly the result of the physical configuration of the country, although the historical events, which assembled three different nations on the same soil, have also played their part in it. It is absurd to assume that the geological and geographical features of a country are the sole factors in its history, for there are many others always to be reckoned with as well.

When we look at the map of Italy we see how the great plain of Lombardy, which lies in the north, uninterrupted by any serious natural obstacles, seems formed for the policy of a great State. The south, on the other hand, is a mountainous region, whose districts are so far divided by nature from each other that communication between them is scanty and difficult to this day. Here we should have expected to find some such system of Cantons as prevails in Switzerland. History, however, exhibits the exact reverse. While the north has been the home of the small Italian States, the south was very early gathered up into a great kingdom, more distinctively known as the "Regno." This is an instance of States constructed in defiance of the natural conditions. Again, let us look once more at Switzerland. There could be no natural boundary more marked than the mighty range of the Gotthardt Alps;

it is a geographical and ethnographical division of peoples, and yet human history has brought it to pass that this strongest of all natural barriers should lie in the middle of a State, and be to all appearance likely to continue so.

What is the natural centre-point of Spain? Certainly not the bare and rugged uplands of Castile; it should be sought rather in Barcelona or Seville. It was men themselves, the hard stern efficiency of the Castilian race, which made these highlands the home of Spanish history. Therefore, when we study the influence of the same natural conditions upon history, we never find a simple relation of cause and effect, but rather a continual interaction between Nature and Man.

The great river-valleys are usually the principal abodes of civilization. From the very earliest times it has followed the course of the large streams, the Hoang-ho, the Yangse-kiang, the Indus, or the Nile. Germany, which has been so shabbily treated by Nature in other ways, may call herself lucky in this respect, when she has once fulfilled her destiny and possessed herself of her river from end to end. Our Rhine remains the King of Rivers. What great things have ever happened on the banks of the Danube? The Rhine, on the contrary, is teeming with historic life, a very treasure-house of memories from the earliest days of the German race up to modern times. It is a priceless natural possession, although by our own fault we have allowed its most material value to fall into alien hands, and it must be the unceasing endeavour of German

policy to win back the mouths of the river. A purely political connection is not necessary, since the Dutch have developed into an independent nation, but an economic Union is absolutely indispensable, and we are much too bashful when we dare not say plainly that we consider the entrance of Holland into our Customs Union as necessary for us as our daily bread. Nowhere in the world is there as much declamation about Chauvinism as in Germany, and nowhere is so little of it to be found. We hesitate to express even the most natural demands that a nation can make for itself.

Variety in the physical configuration of a country is of great importance for the State, because it permits of variety in economic activities. A certain balance between the life of town and country is tremendously important for healthy development. Fortunately we Germans are by predisposition a nation of peasants, and this sound and sturdy natural tendency is always visible amongst us. We must not be too much depressed by the modern allurements of the big towns for the country folk. We have all read of the wickedness of large cities, as shown by the number of illegitimate births which are registered in them. But all that is quite vague. The first thing to discover is what kind of people live in a big town. The number of young people who are unmarried, and of marriageable age, is much larger here than in the country. A far more real difference arises from that most perverse form of human stupidity, which unnatural conditions of life produce: that dream-world of

the intellect, which may be shortly defined as the Berlin temperament. It is in the very air, and is greatly fostered by the large number of young people who live here.

This must be accepted freely, as part of the natural order of things. Neither may we pronounce too quickly any condemnation of the moral conditions. It is a very important consideration that of the adults in Berlin only an average of 33 per cent are married, while in the country it is 70 per cent. The number of illegitimate births in the towns must consequently be greater than in the country districts. The calculation must not be made by dividing the total number of the population by the total number of these births; but the number of unmarried girls in the towns and in the country should be divided by the number of illegitimate births, and then it will be found that the conditions in the cities are no worse than in many country districts.

In any case, it is clear that the strongly exciting stir of civilization in a large town is as indispensable a part of it as is the simple health and freshness of rural life.

On the other hand, the contrast between the different ways of living must not be too marked, or they will become dividing influences, and hindrances to political unity. France has been very kindly treated by Nature in this respect. Great as the difference is between Provence and the breezy Norman coast, the climate of the country as a whole is fairly even, and the sentiment of visible unity is easy to maintain. For

us Germans, on the other hand, the task of establishing a political unity is made difficult by our geographical contrasts. It was fortunate that Prussia, the strongest of all our States, contained some of the most tremendous of these within her own borders, but was able to overcome them by her own energies. Think of the difference between the rugged Lithuania, where the wild forests still shelter the bison, and the smiling valleys of the Rhine and the Moselle, with their luxuriant vineyards, their gay and active population. We should surely pardon a shudder to the honest denizen of Markgräfler in Freiburg if it was suggested to him that he should be transplanted to Gumbinnen.

The geometric formation of a country is another point of political importance for the State. If it does not make a compact whole the State must try to round it off more conveniently. This, however, only applies to great States, who are keenly conscious of themselves, and take pride in the belief in their great future. They cannot allow a raggedness in their territory. Separation between the dominions of a State ceases to be possible in the era of a living political feeling, as the history of Austria shows. As long as the patrimonial conception prevailed, which saw nothing more in the State than the land and people belonging to a great ruling House, it was endurable that Spain, the Netherlands, and the Magyars should all obey the same lord. But gradually the separation came. The far distant Belgium became more and more a millstone round the neck of Austria; the

western and eastern halves divided, and the lands between fell into other hands.

There is a certain natural necessity and historical reason in this, and this law of the necessity for geographical coherence is so patent that we are astonished at the short-sighted policy of the Vienna Congress, which left Prussia, out of envy, so ridiculously and raggedly misshapen. A powerful State could not exist under these conditions. Prussia had no choice between resigning her possessions in the west, or ruling, either directly or indirectly, over the intervening territory. The after-effects of this old heroic temper still linger everywhere among our people, even though we are under a Government which considers that our State is too large already.[1]

The kind of boundaries which a State possesses are more important nowadays than in any former period of history. The power of concentrating forces upon them is an inestimable advantage in an era of great wars. There is no doubt that the sea is the best boundary that any country can have. The principle that the high seas should be free to all is a product of the instinct of self-preservation existent in every State, but every country polices its own coasts, so far as its military power can reach, that is to say within the range of its guns. The exact extent of this dominion has become somewhat doubtful, but new conferences are to be held upon the point. The general principle will remain that the power of a State over the sea will not go beyond the

[1] Lecture delivered in November 1892.

reach of its physical ability to maintain it. The sea is not a dividing element only, for it also brings the nations together; therefore a coast boundary is the most politically advantageous of any, as the position of England clearly shows, although an absolutely insular situation may lull a nation into a sense of security which may be regarded with misgiving when it causes its military strength to dwindle.

Mountain ranges are good frontiers when they do not absolutely shut off communication. The Vosges are a suitable and natural boundary between France and ourselves, because the crest of the range coincides with the line on which the different languages begin. Rivers, on the other hand, have always been bad frontiers, set up by human caprice in defiance of Nature. A navigable river is not a dividing, but rather a uniting factor; moreover, its many curves may make it an impossible boundary line. Thus the Moselle could never be taken as a limit, and the same objection applies to the Rhine, in spite of its great breadth. Wherever it is navigable the intercourse between its banks is so active that this alone must prove the absurdity of such a frontier. We should read how Goethe visited the Rhineland in 1814 after its liberation, and learn from him what were the feelings of the dwellers on German soil on both banks of the river. German sentiment was not particularly strong in those days, but the universal joy which people felt at belonging to each other once more was visible everywhere. Moreover, the exact line of demarcation is difficult to fix in the case

of a river. Legally, it lies in the geometrical centre of the bed of the stream.

Mountains as unprofitably high as the Himalayas separate nations in a way which hinders civilization. Deserts do the same, through the great difficulties which they put in the way of communication, while they still require military stations to keep their borders secure. The nomadic peoples who inhabit them are constantly forcing the State into warfare, for no sooner is one tribe suppressed than another makes disturbances. Thus Russia is perpetually fighting in her Asiatic dominions.

A great expansion of the territory of the State is desirable in itself on grounds of national economy as well as for military reasons. Pestilence, floods, or a failure of crops would not be likely to befall every part of a large country at the same time, so that in this way also an equalization becomes possible. It is evident that a certain extent of territory is valuable for military defence, it is in itself a guarantee of security, but it is quite possible for a State to be too large, especially in relation to its population. This is the unnatural position of Russia, where the proverb runs, " Russia is wide and the Czar is far away." Uniformity of administration is much hampered and the military establishment is also made more difficult, since the size of the Army is dependent upon the number of the population.

Some States, on the other hand, have not yet attained their full growth, nor become possessed of the whole extent of territory which they must eventually claim. This sometimes gives rise

to very complicated conditions. The United States of America could never have rested until they reached the western coast, and their geographical position justifies their present claim to possess the whole of North America. But these desires bring elements of immaturity, unrest, and fermentation into a State.

Lastly, a State may be too small for its historical task, as was Prussia under Frederick the Great, and up till the year 1866. Then the word went round that Prussia must grow if she was to live, and the results have proved that it was true.

Our verdict upon the climate and natural features of a country brings us to the next point for consideration, the conditions of material existence which depend upon them.

Morals and pure aesthetics take the second place, but are not to be undervalued upon that account. The damp foggy atmosphere of England have done no good to the inhabitants of that country; there are days in London when the fog is so thick that spleen is in the very air. Above all, the land lacks wine, and that is a very important factor for a gay and untrammelled civilization. There is a certain truth in the proud boast of our Rhenish country folk that they have wine in their bones. The intellectual life is stimulated by a beverage which is only a light intoxicant and does not produce the bestial drunkenness which comes from drinking spirits. The true Rhinelander would never fall into the beer-besotted state which prevails with us.

The climate, this want of wine, and lack of

beautiful scenery have all been obstacles in the way of English culture. Although England can point to a really great literature, it has produced nothing outstanding either in music or the fine arts; poetry is in fact much less dependent upon natural surroundings than either of these. Nay more, Nature may rise to a height of beauty and sublimity which is actually oppressive to mankind. How little artistic greatness, comparatively speaking, has been born among the splendid ranges of the Alps.

Walter von der Vogelweide was the only great poet of the Tyrol, if indeed that was his place of origin, and Switzerland has only lately produced a true poet in the person of Gottfried Keller. In fact, mountain countries have rarely been the home of the highest culture. Their simpler conditions foster the sportsmanlike qualities, and a sturdy manhood with a more limited outlook. It is the regions of the lower hills, the smiling valleys of Swabia and Franconia or the fertile uplands of Thuringia, which have produced their full quota of artists and poets. The soul is lost to poetry which does not feel its inspiration in Heidelberg or Bonn, where the mood of Nature is cheering and uplifting to man, without being too great for him.

The culture of Berlin is a clear instance of the way in which the aesthetic conditions of natural position influence the general civilization of the people. Lying, as it does, between the districts watered by the Oder and the Elbe, the situation of the town is economically very favourable. No other inland place has such marvellously

good waterways, and the tonnage of Berlin's shipping is greater than that of Hamburg and Bremen put together. Therefore we cannot call the position of our Empire's capital either unnatural or artificial, for the material conditions of its life are sound and healthy. Even in the years between 1806 and 1813, when the half-bankrupt State had to leave everything to chance, the population of Berlin continued to increase. On the other hand, it is to be deplored that its climate and surroundings are so devoid of charm. This tells upon the character of its society by making its whole tendency so uncommonly prosaic. Artists, and men of really sensitive temperament, will always find it difficult to live for long in Berlin. The aristocracy only come there in winter, but the Berlin plutocrats display the materialism of wealth in particularly crude and unlovely forms. These matters are inseparable from the purely aesthetic natural conditions. If there was more beauty in the life of Nature, society also would breathe a purer air.

We are always brought back to the old conclusion that our century shows a wide-spread stupidity among persons of education. People have never travelled so senselessly as they do now. Odysseus journeyed long ago, as a reasonable man should, when Homer could say of him: πολλῶν ἀνθρώπων ἴδεν ἄστεα καὶ νόον ἔγνω. Instead of this, people now wander vacantly in "lovely neighbourhoods" so-called; they install themselves in comfortable hotels under the management of a Limited Company, and slink out occasionally to stare at the sun rising or setting.

We often find this seamy side to the noblest spectacles.

The enjoyment of Nature has this in common with the appreciation of music, that while both are able to uplift the real enthusiasts into the ideal heights, they both allow the dense and the dull to sit before them with open mouth and distended nostril and never a thought behind them. Surely a display of beauty and splendour requires more than this. There is no more comfortable way of killing time without mental exertion than by gazing out over a landscape; but what is the result in the end? What does the average man of to-day really know about the world? Only a very few are capable of making one sensible remark about the manners, customs, or arrangements of the inhabitants of the best-known tourist resorts. No one should set out to write German history until he has rummaged through the remotest corners of Germany, for what he writes will quickly betray whether his knowledge is real or gathered from the dead bones of books.

It still remains for us to give one glance at the nation, regarded as the mass of population in the purely physical sense. Physical conditions of life, pure and simple, are of more importance than ever to-day, and an enormous amount depends upon the actual figures of the census.

We have visible proof of how the historical character of whole districts may be altered by causes which are simply physical. In Silesia the numerical proportion of the two faiths was formerly such as to place Protestants in a small

majority, and the province was consequently looked upon in Austria as in the control of the Opposition. This is now so much altered that in the last two censuses the Catholics were more numerous by 1 per cent. They have the fecundity of the Riparian Poles in Upper Silesia to thank for this accession to their numbers. These people require no further provision for matrimony than a supply of potatoes and Schnapps sufficient for two days. These comprise life as they see it, and under this conception of existence reproduction proceeds with that speed which appertains to the brute creation. Still more tragical changes have taken place in Geneva, which from having once been the Rome of Calvinism has now become a Catholic town, through the influx of Catholic workmen from Savoy. Thus the Canton has assumed a character which is a complete contradiction of its traditions. Augsburg was likewise a Protestant place, but now the Catholic element preponderates in the mass of the working-class population, who are supplemented by new-comers from the neighbouring towns.

Still more significant is the growth of the population when two different races meet on the same soil. In Austria, for instance, the Slovaks and Vlaks breed like rabbits, and the superior German and Magyar stocks are in danger of being swamped by the rising flood of the proletariat. We see with astonishment that it is precisely to the lowest races that the word " proletariat " can be applied in its literal meaning. The reason is not far to seek. Nations

of an aristocratic tendency, with a good peasant stock, a sturdy middle class, and a real nobility, will always multiply much more slowly than the mass of the working classes. Marriage will always be later in the upper classes than in the lower strata of the people, who consider position and appearances little or not at all. This is why the inferior nations, who live by the humblest form of labour, increase more rapidly than the nobler peoples. Our Saxon country folk in Siebenbürgen, who are themselves all of the upper class, have a general term for their servants, derived from the word which means "menial,"[1] which they use freely in speech, without the least intention of giving offence. This is because all their domestics are Vlaks, or gipsies, and utterly inferior to themselves.

We find the same relationship existing between Irish and English. The English, being an aristocratic people, increased quickly, it is true, but still much more slowly than the Irish. There was a temporary improvement during the fifty years in which two million emigrants left Ireland, but the remainder bred like rabbits, and the old total of population was reached again a few years ago. There is, besides, an enormous accretion to the Irish element in the United States. This uncanny phenomenon of an inferior race, ever thrusting its way further into a more advanced civilization, shows us what an important factor the purely physical aspect of population may be, and impels us to devote a little time to the study of its causes and effects.

[1] Translator's Note: "Gesindel" from "Gesinde."

Let us take first the numerical proportion of the two sexes to each other. Everywhere there are more boys born than girls, but since the infant mortality is greater among them, and also because their later career confronts them with more dangers, the balance is redressed, and the result is that the number of women, reckoned collectively in civilized States, is slightly in excess of the number of men. Therefore Nature herself seems to demand monogamy.

In the case of the young nations, who live upon ground which has not yet been divided up, and where it is in consequence easier to found a family, matrimony is undertaken earlier, and the number of children may be large. Nevertheless this great reproductive power of the human race is always limited by the means of subsistence which are either immediately available or in process of creation. This was the foundation for the axiom laid down by the Scottish-Highland cleric Malthus in his *Doctrine of Population*, which has exposed him to the execration of the Social-Democratic party. He asserted that the population increases by a geometric progression, while their means of support can only advance in arithmetical progression. Consequently the former must always be limited by the latter. It is not possible to affirm the proportion between the two with such mathematical exactitude, but it does contain a kernel of truth. It is quite apparent that a young and energetic nation, living in healthy economic conditions, must always increase rapidly. On the other hand, Nature always puts a certain

check upon it; it must be limited eventually by the number of men which the soil can nourish. The advance of science may increase the means of subsistence, but it cannot do so beyond a certain point, and as the population multiplies the difficulty of maintaining a family must necessarily become greater. This is the truth underlying the Malthusian law.

It may be generally stated that the youthful nations increase through a very large number of births. Marriages take place early, and are therefore rich in children, although the conditions under which half-civilized peoples live cause a disproportionate number of early deaths. Despite this the increase continues, on account of the high birth-rate. There is a different reason for it among civilized nations. Among them, especially in the upper classes, marriages are later, and are therefore apparently less fruitful. But, on the other hand, these nations understand better how to protect life, and how to lessen the infant mortality which is so colossal among savages. Therefore their population still increases, although fewer are born, because the existing lives are better tended.

We must beware of seeking for natural laws in all this. Fallacies have been demonstrated from the attempt to prove by these generally correct observations that an increase in the average human life must follow upon the advance of civilization. Conditions are not always healthy, the misery of the masses is often fearful, and bitter want frequently hinders the increase of the population in the classes where marriages

are early. The censuses which are available for us since 1815 do not by any means show a universal increase in the average length of life. In certain parts of Prussia, as the district round the Silesian Hunger Mountains, they even point to a decrease, caused by the very thing which we call civilization, owing to the cruel nature of the local industry. It is impossible to speak of the blind action of natural laws in these matters, or of anything more than the general tendencies of civilized life, which may or may not find fulfilment.

One of these is the general tendency of the human race to increase in a measure out of all proportion to the growth of their means of subsistence. The methods adopted by the various nations to equalize the conflict between economic prudence and the natural instinct for reproduction are very significant of their character. Some, like the French, are born calculators, and import the arithmetical spirit even into the kindly relations of married life, where sentiment, intellectual as well as physical, should find its proper sphere. The population has actually decreased in some parts of France, and in very marked progression, which is largely due to the stinginess and cold calculation manifested in married life. Thus prosperity, so called, is promoted for the moment, but the future of the nation is endangered, and immorality and prostitution encouraged among the upper classes. The German view of life is entirely different, for we hold that every man should be a man, and place his confidence in God. The German is

a hero born, and believes that he can hack and hew his way through life. Reckoning and begrudging are not for him. In spite of great infant mortality our population grows at the rate of about 1 per cent each year, and if this increase goes on undisturbed, as it has done for the last twenty years, our country will have to support more than four hundred million inhabitants in two hundred years. Our infant death-rate is still much too high, and it is an undoubted stain upon our civilization that it should particularly affect the illegitimate children. For this reason the French system of two offspring has found many defenders in Germany. Even Rumelin is much enamoured of it. Nevertheless, the German plan of having relatively large families is bolder, freer, and more manly than the accursed Latin niggardliness which reigns in France.

The English are in the happiest position. The population of that little island has sent out so many offshoots that there are now more than a hundred million men of English race. This fact by itself is enough to prove the importance of colonies. A nation shows the courage of its faith in God when it seeks to capture new areas of productivity wherewith to nourish its increasing numbers. The way in which these deeply serious matters are talked of nowadays by those who should know better is absolutely dreadful. A new song is sung in the stead of the old one: "My Fatherland must smaller be." [1] This is simply a reversal of everything. We must, and will, take our share in the domination of the

[1] Translator's note: "Mein Vaterland muss kleiner sein."

world by the white races. We have still a very great deal to learn from England in this respect, and a Press which tries to brush these serious questions aside with a few bad jokes shows that it has no understanding of the sacredness of our civilizing mission. It is a sound and normal trait in a civilized nation to avert the existing dangers of over-population by colonization on a large scale. This puts no check upon nature, and opens up a large sphere for healthy energy which augments the national strength of the mother country at the same time. For all the talk about the possible separation of the colonies is seen to be nonsense when we consider what the importance even of emancipated colonies is to the parent State. It is impossible to exaggerate the material and moral advantages of such a national increase.

There is, however, also a kind of internal colonization to which the State has not yet devoted enough attention. It is obvious that Germany could support a much thicker population than it does at present. It should, first of all, be more fairly divided up. It is a token of bad conditions of civilization when emigration takes place to any great extent from the thinly peopled provinces of the north-east. When these colonies were first settled, there was an indefinite impulse to journey eastwards, similar to the mysterious yearning which came later towards America, and an El Dorado in the West. Reason preaches in vain when the masses are filled with such visions as these. On the other hand, the conditions of land tenure have greatly

promoted emigration in the north-east, and the State will sooner or later be obliged to undertake great social-political measures to deal with the question. The domains which it fortunately possesses in that region will afford it the means for coming to some perfectly friendly arrangement.

The liberty to settle afforded by modern legislation, which treats land and soil simply as a commodity, places the greatest obstacles in the path of interior colonization, because it affords no security that the real settlers will continue to occupy their new habitations. Thus the fanatics who advocate free buying and selling are passionately opposed to hereditary tenancy, although history teaches us how Frederick the Great settled many thousands of industrious human beings on land capable of cultivation by hereditary tenancy, and thereby greatly promoted the welfare of his country.

VII

THE FAMILY

THE simplest and most natural form of human gregariousness is sexual companionship, and we have here one of the deepest problems of morals, which will never cease to arise in new forms to occupy men's thoughts and influence their actions. Aristotle knew what he was about when he said in his naïve genial fashion that when the concerns of women are ill-ordered half the State is endangered. The moral existence of every country is so deeply rooted in the stability of healthy family life that we can cite instances when it became a new source of strength for the people when nothing else stood firm in a shattered national life. This was our own position after the Thirty Years' War. Nothing, except a certain intimate character of family life, survived the devastation of our ancient culture, and of all that made Germany great, in those terrible days. The women bore their part in the general moral deterioration of the time, but in comparison with everything else home life did remain to some extent the one moral stronghold in Germany, and the mothers of the nation were its guides towards better things.

A sympathy which is perfectly natural will always exist between men of genius and really feminine women. The strong point of the truly womanly character lies in acuteness of understanding, hence it always happens that men of mark are strongly attracted by them both for good and evil, and in intercourse with them display their best and noblest sides.

The reason why this subject is so attractive and stimulating is because it shows us clearly that, in spite of human frailty, our sex is capable of forming an absolute moral ideal and approximately carrying it into effect. There is no doubt that the relations between the sexes have gradually become more moral, and that in monogamy the institution of marriage has found its highest form.

A regulated form of sexual companionship is necessary to all orderly public life. The old German word for marriage contains a depth of meaning which brings out the two aspects of this relationship. As the word stands both for "law" and "bond" it betokens both a legal and a moral relationship, and describes correctly the double nature of the contract. A law of inheritance is a necessary consequence of private property. Property, then, presupposes the Family, which is thus inseparable from the most primitive legal conceptions. A glance at the psychology of nations is enough to show how this connection is a moral one as well. Only through marriage can man attain complete development, in the perfect and ideal sense of the word. A wonderful happiness is found in lawful com-

panionship between the sexes, when it is really serious and sacred. Certain essential traits of both feminine and masculine natures only unfold themselves to the utmost in married life. The submission and self-sacrificing loyalty of woman can only be seen at its loveliest with her husband and children, and the generosity of the man will likewise be most strongly displayed for the sake of his children and his wife.

Like all the great institutions of the common life of man, the Family was crude in its beginnings, and only a long and toilsome development has produced that pure form of monogamy of which we may say that its fundamental characteristics will endure because they are in harmony with Nature, although in some of its details there may still be room for reform. Monogamy must be the normal rule, since, as we have seen, the two sexes are equally divided in every State, except for a quite unimportant overplus of women. It is therefore quite an exception when we find polygamy practised by whole nations. It can never be otherwise than as it is in the East to-day—the privilege of the ruling classes and the rich, which the mass of the people must renounce for material reasons. It is only practicable on a large scale when the ruling class comprises the whole nation, as it did with the Turks in their great days. The intimate connection between marriage and the collective public life proves that slavery is inseparable from the harem system. Polygamy and personal freedom can never flourish side by side.

Thus everything leads us back to the opinion that monogamy is the product of a very long development of civilization, but the most in accordance with Nature, in spite of all the hardships which may attend it. Polygamy is older, because man is the stronger, and only too prone to misuse his strength, and also because women grow old sooner than the more vigorous male; moreover, there is no doubt at all that man's natural inclinations are polygamous. He rules, and the woman surrenders herself, and in so doing she must overcome so much natural bashfulness and shame that all the thoughts and sentiments of a healthy-minded woman must be monogamous. We find that the polygamous relationship prevailed among nations who were less sensually inclined than the Orientals. Our scanty sources of knowledge are enough to assure us that our own earliest forefathers allowed their leaders several wives. The Merovingians had an authorized harem, and even Charles the Great had a number of concubines, whom he alludes to so openly that we are bound to conclude that there was no scandal attaching to them.

It is evident from all this that the first beginnings of sex relationship must have been cast in the crudest form. If we accept the theory of descent from one pair of human beings, it becomes clear that marriage between brother and sister must have taken place through a very long period of the most ancient human history, and that the instinct against what we call incest must have been acquired later. Distant indeed must those times have been, since the physical

repugnance for it seems now to be innate in every nation. Centuries have elapsed since this feeling of bodily disgust came into existence.

As far as we can see through the darkness of those early times it would seem probable that group-marriages were the custom among a portion of the human race—this meaning that one group of men lived in a collective sex relationship with one group of women. The researches of the American, Morgan, are perfectly correct as regards a great many races, and support his theory so far as it is capable of proof. The institution of matriarchy, which we find in so many barbaric peoples, very often goes together with this form of marriage. It is still an open question whether it existed among the earliest forefathers of the German race. If our ancestors were really acquainted with group-marriage, it is only fair to them to say that they passed away from this half-animal form of sex companionship relatively very early. In any case, there is hardly anything in our oldest legal institutions which could be construed as being in harmony with the matriarchal system. To be sure, Lamprecht, in his German *History*, claims to have found trace of it, but I do not yet consider his assertion to be established.

A common dwelling-place for the families included is the concomitant of the group-marriage, and with it we find a perfectly vague conception of the meaning of property. The immense step between this system and monogamy could not be taken, therefore, without a great economic revolution. As soon as possession

meant something, a monogamous marriage, in which paternal took the place of maternal inheritance, became a necessity. Man took his perfectly normal position as the bread-winner for the family. Production lay in his hands, consumption in the hands of the woman.

It is a gross error to suppose that where matriarchy prevailed woman's position was equal to man's. This piece of sophistry is encouraged by the Social Democrats, who exploit Morgan (as Engels does) to serve their own squalid present ends. They allege that women were oppressed by men through monogamy, and that we are only now entering again upon an epoch of liberty for them in the freer system of union among the proletariat. These kinds of sophistries are in such glaring contradiction to the ordinary experience of life that it is astounding that men of experience should let them pass unchallenged. Is it likely, under those primitive conditions, that the man, being the stronger, should voluntarily renounce the power which he thus held for purely superstitious reasons ? When a woman was the instrument of the lust of several men at the same time it is impossible that she should have been treated with more respect than under the system of monogamy. It will remain a fact that in barbarian society the female held relatively a very humble position, because the male used and abused his strength in simple fashion, and because the respect for woman cannot but be the outcome of a long development in civilization.

Among Aryan peoples, at all events, group-

marriage belongs to an infinitely remote past. There is not the slightest trace of matriarchy or its effect in the present structure of German law. A few years ago Lorenz of Jena amused himself by demonstrating that all the dynasties of Europe are descended from a single couple, ancestors of Maria Theresa on the maternal side; but historians need not take this quaint conceit seriously. We were all quite aware already that the Austrian Court is closely allied with the other Catholic reigning houses, and that all the Protestant royal families are connected in the same way. The fact is perfectly simple, it throws no new light upon the subject, it has had no legal or political consequences, and need not be taken into our consideration, since we are so widely separated from those ancient institutions, even if they did once actually exist amongst us.

Monogamy, then, is firmly established among European peoples, although the sequence of its history as the most highly moral form of sex companionship is not yet scientifically traceable. It is now very interesting to observe how much, in spite of it, the social and political position of women has differed in different countries. The Orientals, who have not yet attained to monogamy, have always been incapable of even approximately understanding the dignity of woman. Contempt for her sex is the necessary consequence of the Eastern tradition of the harem. The influence of Oriental custom was very remarkable in Athens. Athenian women lived in harem fashion, their apartments were situated in the inner court of the house, so they

could not even look out upon the street. The only women who played any part in public life were the hetairae, those enticing and beautiful creatures who bewitched men by the brilliance of their intellect. The lawful wife lived in an Eastern seclusion. The visitor in modern Athens is astonished afresh by seeing no women; they are still withdrawn as if in a harem, although monogamy was instituted early among the Athenians. Even legally the wife is not much more than the principal slave of her husband, and there are practically no instances of respectable women having played any rôle in the history of the country.

The Spartans afford us a very unpleasing contrast in this respect. The natural instinct of mankind has always been to separate the sexes. A different costume for men and women has been the ever-recurring protest of human civilization against the insane doctrine of female emancipation. This difference in dress and education has always been the token of morality in human life, and the colossal stupidity of the nineteenth century is displayed in the desire to overthrow this most ancient practice in the name of progress. This folly was shared by the Spartans. Their women lived in the same way as the men, their maidens took part in the games with the naked youths. What must be the ultimate fate of these women who matched themselves naked against men stripped for the wrestling-ground? The world has never again seen the female sex so brutalized. This system worked while the stern Spartan discipline

kept both men and women in subjection, but when, in later times, the old tribal foundation of ownership was broken through, and many women became possessed of the ancient tribal property, their brutal hard-heartedness finally brought ruin upon the State.

Women had a nobler status in ancient Rome. The Roman family was more independent in relation to the State, the children received a pre-eminently home education, and therefore the position of the Roman matron was more dignified than that of the women in Athens or Sparta. We sometimes hear of Roman women whose nobility of character enabled them to take part in public life without losing any of their feminine modesty thereby.

But the sternness of antiquity was in the essence of the Roman outlook also. Marriage was regarded primarily as an institution for the propagation of the race. Later, under the Emperors, married life became utterly demoralized, divorce was obtainable on the most frivolous pretexts, so that Seneca could say that the Roman ladies counted the years of their lives by the number of their husbands. From this resulted the shocking moral conditions of the time, and finally marriage became nothing more than concubinage. Another effect was the terrible unfruitfulness of marriages, and we get the impression that this nation required to be subjugated by another, and have new energy infused into its veins.

It is well known how women above all influenced the first spread of Christianity. It

was necessary to reopen the world of feeling to an over-cultured age which believed that civilization consisted in a series of maxims with which everybody should be stuffed.

How great was the part played by women even at the very beginning of the new teaching, and how important they came to be in the secret worship carried on in the Catacombs! It was they who showed mankind how to obey the injunction to love their enemies, which had called forth the scorn of the ancient world.

Without women it is impossible to imagine the extension of this religion of Love throughout heathendom, and it becomes clear at once that they must occupy a different place in a Christian dispensation from that which they filled in Pagan times. Here two influences are at work: one the fine old woman-worship of the Germans, which saw in her something high and holy; the other, Christianity, which joined to its mariolatry a general respect for all women, which degenerated at last into the unmanly service of the Troubadours. But side by side by this we find among the Germans that a wardship was exercised by the male sex over the female, and that the men exacted a heavy payment for their protection.

There is no question, therefore, of equality between the sexes in the legal sense, and this makes the moral esteem for women all the more remarkable. It is interesting to observe the various ways in which this sentiment has been manifested among the nations of civilization. France stands out pre-eminently as the country of female domination, in so far as this is com-

patible with Christianity. We can say of the French that in every century they have lived under petticoat government; and we find the explanation in the character of their women, which combines great energy with a high degree of charm. Frenchwomen also have something masculine in their outward appearance, and the celebrated French moustache makes its appearance early with them. Throughout history we may see this peculiar energetic manly type wielding such an influence in France that they dominated whole periods: the most outstanding being the era of the French Revolution. Firstly, there was Madame de Staël, who had all the faults of the doctrinaire, but was personally witty and worthy of respect; secondly, we have Madame Roland, representative of the time of the Girondins, and exhibiting already something of the coarseness of the women of the Revolution; and then we find Madame Tallien, the presiding genius of a third period which had sunk still lower, and in which sensuality had gained an appalling ascendancy. This influence of individual women runs through later phases of French history also, from Madame Adelaide, sister of Louis Philippe, who was dubbed "the only man in the Orleans family," to the Empress Eugenie, Madame MacMahon, and Madame Adam, the friend of Gambetta.

When we compare the French with other Latin races we find that although women have not so much power in Italy, they are still in many respects on the same level as men. The ideals of feminine beauty admired by the various

nations are very significant in these matters. The ideal of the Italians is not the somewhat sentimental and flower-like loveliness which northerners prefer, but rather the virago with imperious eyes and the face and form of a Juno. No one understands the history of Italy who does not know what an important part was played in the movement of unity of our own day by such outstanding women as the Countess of San Germano, the great friend of Cavour. How many of them suffered personally at the hands of the Austrians! The brave women of Brescia were even flogged in the public square by the Austrian soldiery. Here, too, the masculine element is apparent in these women who have made their mark in Italy, and it is particularly characteristic of them and all others of Latin race.

When we now turn to study the position of women in the history of our own country we are once more astounded by the wealth and variety of German life. We can find no one fundamental tendency running through it all. The German spirit, character, and manners take so many forms that we can even call some centuries masculine and others feminine. Let us take, for instance, the heroic tenth century, when the Saxon kings were at the zenith of their power. Women at that time appear to have had no importance whatever; if any of them appear in public life at all it would be a Queen-Mother who had temporarily a man's work to perform. Then follows the chivalrous, polished century of the Hohenstaufen, the age of gallantry and

the Minnesingers, quite distinctly feminine in its universal attempt to adorn itself with womanly graces. Men's very exterior was typical: beardless faces, well-kept hands, even their dress was almost feminine. Barbarossa received his nickname because he drew all eyes in Italy by wearing his beard among a smooth-chinned generation. Above all, there was the Romance poetry, with its exaggerated exaltation of women. There was much that was beautiful in the culture of this twelfth century, but also a vast deal that was immoral; it is a sign of the widespread profligacy of feeling that all the Troubadour poetry harps upon the string of conjugal infidelity.

This period, then, is one in which the German nation was upon the whole sympathetic to feminine influence. The sixteenth century stands out in the sharpest contrast as being masculine to the point of brutality. There is a forcible coarseness about the great personalities of that time; women and their education have become of little account. In Martin Luther's married life, which was the happiest of the century, we see how Frau Käthe appears like a good little goose by the side of her great husband, offering him her loyal heart, indeed, but immeasurably inferior to him in education. The Reformation proclaims itself for good and evil as the work of men, of men of clear, conscious, and acute understanding, men who could break the old bondage with the courage of lions, but who could not give the womanly spirit its full value. Protestantism neglects the feminine

temperament too much in its austere forms and its closed churches, for to many women's natures the open haven for quiet religious recollection is absolutely indispensable.

All this side of ecclesiastical life, and beauty of worship more than all, has been very markedly neglected. The narrow masculine character of the Reformation continues to the present day. We trace it very clearly in the Prussian State, which is Protestant to its core. No State has ever been less dominated by women; nor has it ever been ruled by them since the days of the Great Elector. Here the influence of the sixteenth century is still at work, impressing its essential character upon the world of Protestant Germany.

The eighteenth century, on the contrary, was here, as elsewhere, eminently feminine in its elegance and fertility of talent. Men have probably never looked more womanish than in the days when they all wore lace and shaved themselves clean. The female sex produced the "beautiful souls," so-called, who carried the intellectual side of social life to a fine point, and side by side with them we find the richly gifted women of the classical epoch of our own literature. Caroline Schelling was hardly the model for a virtuous woman, but what a brilliant and subtly sympathetic creature she was! Her letters are a marvel, not a whit less beautiful than the letters of Goethe's mother.

In the nineteenth century we have reverted to rougher, more masculine methods. The attitude of our time towards women is chivalrous

in theory, clownish in practice. Owing to the unnatural lateness of marriages, prostitution has become so common, and displays itself so impudently, that the whole tone of society has been demoralized by it. In addition we have the calamitous idea of female emancipation. Women are mistaken when they suppose that they can influence men by masculine methods, or subdue us by glaring ferociously at us; the result of these efforts is visible in the bad manners of the present day. Politeness to a pretty girl is not a merit, but a natural instinct; real good breeding is shown in civility to an old lady. Judge the behaviour in any omnibus by this standard, and observe how men behave towards the elderly women!

In England family life has always been on a very sound footing. The Englishman shows his respect for women in his observance of the outward forms of courtesy, and her position in society is one of liberty without licence. By virtue of established custom rather than legal compulsion the system of inheritance in the upper classes settles property almost exclusively upon the eldest son. Consequently there are not many rich heiresses in the English aristocracy, and most marriages are really love matches; these are a benefit both to society and to the State since they produce the best children morally as well as physically. These relatively sound conditions have only been interfered with latterly, by the blue-stocking element, and the movement for emancipation.

Among the youthful nation of North America

chivalry towards women is almost the only common bond which unites the incongruous elements of society. The Americans are justly proud of their boast that a young girl can travel from New York to San Francisco without having to fear the slightest discourtesy on the part of any man.

Many and various, then, have been the positions held by women in the State and in society at different times and among different nations. We are led to a closer discussion of the place they hold by those efforts for the emancipation of their sex which we have alluded to already, and which are once more being advanced everywhere with so much arrogance and assurance. Our self-complacent century is not only suffering from the disease of a Radicalism so prosaic that it holds in horror the manifold variations which Nature and history have implanted in human life, but still more from the moral cowardice of the men of culture and intellect, who dare not denounce the hollowness of these theories though they inwardly recognize it, because no one is willing nowadays to be called reactionary, and the greatest follies of our century flaunt as principles of Equality and Liberty. This applies particularly to the woman's question. The doctrine of female emancipation has always come up in the periods of history when the bonds of chastity and morality were slackened. We find it in the last days of Ancient Greece and in the decadence of Rome, usually more intelligently expressed than it is at present. There is nothing new about it,

except the fact that it is presented to us to-day in the guise of social-political wisdom, and the average person is quite weaponless against the phrase "social political."

This modern doctrine is intimately connected with existing and undeniable abuses. We have seen that in all civilized nations women are in a majority; to this we must add the increased difficulty of founding a family in the upper classes, and we understand why the number of unmarried women has become unnaturally large, and that professions must be found by which they can be supported in respectability. It is an old law that the more skilled kinds of feminine manual labour must always be underpaid. The large amount of work done, as a means of adding to their income, by wives, and daughters living at home, tends to depress the price of labour for professional women who have to live upon what they earn. These are placed in a desperate position by their inability to gain enough to support themselves decently. The modern growth of wholesale industry has placed an insuperable obstacle in the way of the old-fashioned forms of female labour. It has also had a disastrous effect upon home life. The industrial unemployment of the modern woman is largely due to the new conditions of production, for what good purpose can now be served by feminine hand labour?

It has become a necessity to provide new careers for women. Social legislation has no more sacred duty to perform, for the misery among women workers has risen to a terrible

pitch; but it must not be undertaken without due consideration of the different capacities of men and women. It is a total misunderstanding of Nature to look upon women as inferior beings, as Aristotle and many others do. They are men's superiors in many ways; no man has such a force of affection to draw upon as the love of a mother for her children. It is evident, however, that the natural methods of thought are different in the two sexes. Men are guided by reason, women by feeling. Man is logical to an extent which makes it safe to assert that when he is totally lacking in intelligence he is also lacking in receptivity. If he is really stupid he will not be quick to receive impressions. With the woman the contrary is the case, for her conception of life is formed by feeling. We all know women whose intellectual endowment can hardly be called even average, who yet diffuse happiness through their whole circle by the power of their deep and unwavering feeling.

These innate differences must bring about a great difference in the methods of male and female education; a difference whose grounds are both physical and psychical. It is a disgraceful moral weakness when so many sensible men back up the newspaper outcry for the invasion of our Universities by women. The whole character of those institutions would be falsified by such an error of judgment. It is unfortunate that Hermann Grimm should have been one of its advocates. The Universities are more than seats of learning, pure and simple: they offer (and this applies particularly to the smaller ones)

a form of comradeship, which, in the liberty of its intercourse, is of inestimable value in the education of a young man's character. How is it possible to have two classes of students, the one possessing this academic freedom, and the other deprived of it, for it could not be safely granted to women? Shall the phrases of journalism have the power to corrupt the noble institutions of our Universities, and withhold their liberty from our youth? The folly of such counsels is only too obvious.

When we come to enquire what are the professions which can be made accessible to women we find that they are unfortunately all too few. First and foremost, all governmental functions must be excluded. It is self-evident that all these belong to the manly sphere. No masculine attribute is so foreign to women as the legal sense.

Nearly every woman has to learn from men the meaning of law; before she can grasp it she has to be trained to see the world as men see it. In the life of the State, personality must be handled by the light of reason, and without bias, which are manly attributes both, to which it would scarcely ever be possible for women to attain, since their greater measure of sentiment leads them involuntarily to an immediate partizanship. Lastly, we come to that purely physical part of government, which must be backed by armed men. Now armed men do not like taking their orders from a woman. Therefore women cannot fill posts of genuine authority.

Experiments have been made lately with

female suffrage in Canada, which can only be described as frivolities which would not have been ventured upon if people had not described them to themselves as mere shams to curry favour with the masses. The granting of this right to women can only lead to one of two results. Either the wife, and possibly the daughter also, vote the same way as the husband and father, and thereby give married men an unjust preponderance, or else they vote against him, and drag the discord of public life frivolously into the peace of home, which should be essentially the refuge from the turmoil of politics.

There is one exception to the rule that women are naturally unfit to hold office of authority, which is rather disconcerting to the superficial thinker. The very highest of all political positions can sometimes be very successfully occupied by a woman. We must be careful not to be misled about this by mere phrases. In the roll of reigning women throughout history we find a remarkably large number of outstanding names. Margaret of Denmark, the foundress of the Union of Calmar, Elizabeth of England, Maria Theresa, Catherine II., Amelia, the great Regent of Hesse-Cassel in the Thirty Years' War, Caroline of Darmstadt, the great Landgravine, Pauline of Lippe-Detmold,—this is a relatively long list of famous women, among the rulers of history, and the shallow mind jumps to its conclusion at once. But, first of all, the position of a reigning Princess is an exceptional one; the female ruler is not disturbed by the direct assaults of brutality and malice. Secondly, we must ask ourselves

whether these women were on the level of the average. Certainly Elizabeth and Maria Theresa stood so far above it that, like Catherine, they reached the point of genius.

No more, then, can be safely asserted than that, among the few women who have reigned, a relatively large number have been remarkable. If we want to make a general rule, we must look at the average, and there we find such reigns as Anne's in England or Elizabeth of Russia. From them we realize that our German forefathers showed sound sense when they excluded women from the throne. The apparent exceptions only prove the rule. Queen Victoria of England is one of them. Here we are confronted with that peculiar shadowy institution to which Parliament has reduced the English monarchy. Its duty is to stand, with appearance of outward dignity, in the midst of parties, not above them. We find, upon closer inspection, that a wisely counselled woman fills the part of a puppet of Parliament better than a man does. A shadow king must always pose as if he had done himself what has been done for him, while the customary politeness concedes the credit unquestioningly to a lady.

There is, finally, an objection of greater political importance against female succession: it greatly increases the possibility of a change of dynasty. Institutions framed to prevent this as far as possible are innately reasonable, and therefore the foundations of the exclusion of women from the inheritance of the crown are grounded in the nature of the State.

Therefore the justification for the Salic Law, so called, is in no wise removed by the accident of so many uncommon women having occupied thrones, and still less does this furnish any proof of their having a vocation for the service of the State. Let us imagine a female Minister of the Crown, exposed to the rudest attacks of Parliament. The Germans, above all other nations, would pay no respect at all to a woman official, and yet it must be paid to a sheriff or magistrate. We must guard against the well-known fallacy of Stuart Mill. He had a most shocking blue-stocking for a wife, with whom I could not have lived for so much as a week. She imposed upon the good-natured man until he came to believe that women have rights equal to men. Then he put forward the celebrated argument, Why should not women be Ministers of Finance, since they have more economic instinct than men? To answer this question we need only reverse it and ask whether our great Finance Ministers are marked out to be housewives? The greater can no more be deduced from the less than the less from the greater. The rule then will stand—Exclusion of women from peculiarly governmental functions.

There are still other callings which give scope for the really creative faculties in man, where female efficiency is comparatively limited. In all the lesser arts the prettiness and elegance of women's work will keep its place, but in production on the large scale the superiority of men will always show itself afresh. No profession in the world would seem to be more adapted to

the female sex than that of a cook, but, I put it to you, what are the actual facts ? The real virtuosos of the kitchen, whose names have come down to us from the days of the Egyptian kings to the time of the nineteenth-century gourmets, have always been men. Thus even in this feminine art there seems to be an organizing talent on the large scale, which is more suited to men. It is the same with the fabrication of women's garments, and of shoes: the best quality of work is here also produced by men.

The question of the extension of professions for women is therefore not so simple as it seems to the enthusiasts for sex-equality. Even female authorship has upon the whole had only a baneful influence. Here we must have the courage to speak plainly: the world would be no whit the poorer if the whole blue-stocking literature were to disappear at once. No woman has the real creative power which will enable her to produce a true work of Art. Exceptions are marvellously rare, and it is in the nature of things that this should be so. We must stick to the simple actualities of life. It is in the nature of men to beget, of women to receive. No man was ever a greater friend of women than old Goethe, he understood them through and through, and yet how he ridiculed their morbid desire to emulate men in their actions. Their strength lies in sympathy and understanding of the work men do.

In literature also, the attractive, really feminine natures are the ones who genuinely have this power of understanding. Thus Bettina von Arnim will always appear as a fascinating

personality. In her *Correspondence between Goethe and a Child*[1] the interest lies precisely in her ability to follow a great man in all the depths of his intellectual life. Again, a book of Christian Charity which she dedicated to Frederick William IV. is a piece of genuine feminine creation in literature. But in the world of Art, as in science, there are problems which the female brain cannot compass. No woman will ever quite understand Milton. They will always practise authorship, but most of it will be bad. Every one of them who writes one serious book would do much better, from the material point of view, by writing four bad novels. The world of women can employ its energies further in this field without being of any use to society.

So we find at every turn that the number of masculine professions suitable for women is not very many; the most accessible of them seems to be that of the doctor. If there is to be any serious advance in this direction the State must build a small medical school for women in some respectable little town. When this has been tried and proved successful, a philosophical faculty for female professors could be added. In the country districts women doctors, with the exception of hypnotic healers, are not possible; they would confine themselves to the large towns, and there would never be more than a very few of them. It is much to be deplored that the Victoria-Lyceum, here in Berlin, has met with so little success. The idea of bringing something of the higher sciences within reach of

[1] "*Briefwechsel Goethes mit einem Kind.*"

women studying by themselves was thoroughly good. The stumbling-block was that the really first-rate teachers could not endure the Lyceum for long. They were generally captured by a couple of attractive ladies, and had had enough of it by the end of two terms. Therefore the setting up of a University for women will be both difficult and expensive, but it must be attempted. In any case the best institutes for men's education would disdain to be used for such an experiment. It would be an insult to their students to expect them to sit side by side with persons who do not enjoy the liberty of their University. We see once more how things are advocated in the name of freedom which bring the destruction of that very freedom as their ultimate result.

The proper sphere of women will always continue to be marriage and the home. They should bear children and rear them up; they should pour forth within their family the pure fountains of their loving, sympathizing souls, instilling morality and modesty, the fear of God, and the mirth and joy of life. Only thus can women be bringers of blessing, but assuredly they cannot be so in marriage in the standardized State of the Social Democratic future, which would appoint the same activities for man and woman, even as they sometimes pursue the same employment in factories at the present day. The fact of their doing so has placed women on an apparently equal footing with men; it has also led automatically to the loosening of the ties of love and chastity in the home, and has turned

marriage into a concubinage. The only result would be a violent and unnatural equalization of rights, because with most men the firmness of the family bond was kept by its being the function of the husband to provide the wherewithal, while the wife took charge of the bringing up, and the order of the home, only helping incidentally to increase the income. Any person who has the welfare of the lower classes at heart will come to the opposite conclusion, and perceive that it is the task of social reformers to see to it that women should no longer be employed in factories at all.

It must be arranged that the wages of the male factory-hand shall suffice by themselves for the support of his family; but it leads to the absolute destruction of married life if the wife works there also, and, through her absence, the meal-times and all the comforts of home fall into neglect.

We can trace, through the development of legislation for the family, the sharp division which has come to pass in the course of history between private and public right. Under certain primitive conditions of the tribal State, membership of a clan was the preliminary for membership of the State. Women, who were unable to fight, and stood in need of protection, were placed under the tribal guardianship of their sept and were deprived of legal personality. A purely public civil law was gradually evolved, while on the other hand the family drew more and more closely into itself, until at length in the legal sense it only embraced the parents and

children, considering wider relationships for purposes of inheritance alone.

This led automatically to the necessity of a definition by the State of what sex relationship should be legally regarded as a marriage, and what should be the conditions under which it might be contracted, and possibly dissolved also. When we consider what the process of development has been for this legislation of marriage we find that we have entered a sphere in which the natural tendency towards legal equality works with irresistible force. The emotion most common to all humanity is love, and the delight in home and family; natural sentiment would quickly be fretted by restraint in this direction, and the desire to raise all members of the family to an equal footing is early aroused. Nevertheless we must not trust the commonplace of philology, which asserts that the nations of antiquity were far in advance of ourselves in this matter. It overlooks the essential point, which is that the ancient State rested upon the broad foundation of slavery, and that it is impossible to talk of equality in connection with the great mass of the population. Modern peoples, with whom the institution of slavery assumed a milder and less extensive form, clung to it the longer because it was a means of overcoming the difficulties arising from unequal marriages. Nevertheless the current of opinion which sets against this conception is a just one, for we are dealing here with a possession common to all mankind, where we are, in fact, all on an equal footing.

We must, however, remember that the bond of marriage is not only a legal but also a moral tie; hence the State has indeed at all times had power to sanction it, but it has also always been bound up with the ordinances of religion. In pagan nations, where the Church had not yet developed an independent position, the contrast naturally did not arise, but it was bound to present itself in the Christian world when the Church began to go its own way, and became independent enough to presume to act as monitor of the State. It is easy to understand how, when it took over from the infant State the great duties of public life—education of the young and care of the poor,—it should also seize upon the marriage law. To be sure, the secular marriage in presence of witnesses and relations maintained its position for a long time side by side with the religious rite. In the town of Stade, and many others, we still find as an annexe to the Church the "Brauthalle," where the civil marriage took place before the betrothed couple entered the sacred building.

There is no doubt that in the canonical marriage law we have one of the weakest creations of the Christian Church. The eternal truths of our religion were extremely ill interpreted by the Catholic Church of the Middle Ages. On the one hand, the sacredness of marriage was exaggerated and it was raised into a sacrament, which is contrary to Bible teaching as well as to the nature of the thing itself. On the other, it was just as iniquitously underrated through the influence of the Christian asceticism, which

was evolved with the growth of monasteries and cloisters. Here celibacy was represented as more holy, and more pleasing to God, whereas a knowledge of history and a manly outlook upon life prove that human morality can only be fully developed in the married state. To consider it as relatively impure is therefore a mutilation of nature.

The conception of the home which prevails in canon law is both crude and unmoral, and the Reformation rendered one of its great services when it demonstrated this. Its task was to raise the standard of secular life, and to show how Christian morality can, and does, thrive amidst earthly joys. We will declare with pride that the most beautiful and reasonable marriage which Germany has seen for long, the marriage which has served as a pattern of morality for millions of Protestants and German Catholics, was between a monk and a runaway nun. What a powerful influence the character of Luther's home life has been for the whole German nation! In that house the Christmas-tree found its proper beginnings; and even as the Christmas feast is the highest of all the year for a German family, we can measure what Luther's model and his table talk, with all its depth and sympathetic insight, has done for the civilization of our nation.

So long as there was only one Church within the Christian State, so long could the State permit the canonical marriage law to replace the secular, because it looked upon the former as its own. But it is quite clear that this con-

dition of things was radically altered from the moment when several forms of faith began to exist side by side. Since the different religions have at all times had different marriage laws, the State must lay down its own rules for what is politically to be regarded as a marriage and what is not. It can only recognize one law in this matter. Only very few people can realize the enormities which would follow upon the admission of various legal standards of marriage. By virtue of its superiority and impartiality the State must step in to determine the conditions under which sex companionship is to be regarded as wedlock, nor need it consider the Church in making its decision. Imagine the consequences if divorce were recognized by one faith and not by another, and think of what would happen to divorced persons when they re-married. No course is open to the State except the resolute separation of the secular from the ecclesiastical, so that it alone decrees what marriage is, while leaving it to the choice of the bridal pair whether the religious ceremony shall be solemnized or not.

It is in the same State of the Netherlands, which opened its ports to the fugitives from every country, and where we first find the different religious beliefs flourishing on the same soil, that we also get our first example of a civil marriage. The system was introduced into all States of the Republic in the year 1656. The State declared that the right to celebrate marriages was reserved to the civil magistrate; this right was, however, surrendered to the clergy of the Calvinist State Church for marriages of

its own members; otherwise it was preserved intact. Here civil marriage has not yet thrown off all disguise.

The conditions in France were different, and more serious. At the blood-stained nuptials of Henry of Navarre with the Valois Princess the bridegroom alone went into the church, while the Huguenot nobility remained standing without; so sharp had the cleavage between the two faiths become. By the Edict of Nantes the Huguenots extorted the right to have their marriages performed by their own clergy; but when this Edict was revoked the decree went forth from the State at the same time, that no marriage was valid unless performed by a priest of the Catholic Church. The Huguenots took refuge in having theirs solemnized by the ministers of their own religion in some secret resort under the open sky. In the partial reforms carried out before the Revolution of 1787 it was, however, ordained that Huguenot marriages might be contracted before a notary. This is the beginning of the modern civil marriage, and it was fostered later by the Jacobins' frenzied hatred of all religion.

Thus the French Revolution simply created a *tabula rasa.* It was then laid down that marriages should be performed by the civil magistrates, and it was left to the discretion of the Church to give or to withhold its sanction. Undoubtedly this was logical, but logic is not the highest law in the life of the State. Had it chosen, the State could have done as the Netherlands did, and permitted the clergy of recognized

denominations to continue to charge themselves with the celebration of marriages under certain defined legal conditions. This would have been the milder and more considerate method of sparing the feelings of the masses. The French, however, proceeded more drastically, after their own logical fashion, and we have unfortunately lately followed in their footsteps, although we too have districts in which the population is so much of one strain that mixed marriages are a rarity. Such districts are, to be sure, becoming fewer, but they still exist in Schleswig-Holstein, Pomerania, etc. The religious feeling in these places would look upon it as an act of oppression if the State were to arrogate to itself the practical performance of the marriage ceremony, when it might delegate it to the clergy, and reserve its intervention for cases of dispute between State and Church. Such conflict seldom arises, except in the case of mixed marriages, when it is frequent. Therefore in countries where the population is unmixed the optional civil marriage is the most tolerable, especially considering the hideous and frivolous form of the ceremony. It was over-hasty to make it obligatory when there was no pressing necessity and when it could have been kept optional only. Much religious feeling has been wounded for the sake of logic.

Another reason why the State must reserve to itself power over the marriage law is to give it the right to decide whether adequate grounds for divorce are or are not forthcoming. It has to reckon with human frailty, for it is self-evident that when the contract is entered into,

conditions cannot be imposed beforehand. The State must recognize the principle of the indissolubility of wedlock, for a marriage which is preceded by a recital of the circumstances under which its bonds may be artificially loosed is no marriage at all, only a concubinage. It is therefore better that individuals should suffer under the consequences of its irrevocableness than that the whole moral fabric of marriage should be desecrated. Prussian law has admitted some quite unworthy principles upon this important question, and even allows mutual aversion as a ground for divorce; this has been rightly resisted by the Churches of every denomination. Savigny's draft of a law of divorce shows a deeper understanding, but unfortunately it never came into force.

Canon law recognizes nothing but physical unfaithfulness as a ground for divorce, by which is meant separation from board and bed; it forbids either of the so separated persons to marry again during the lifetime of the other. This is a crudely sensual conception of marriage. There are other moral offences, cases of inward unfaithfulness, which may divide fine-feeling natures far more widely than if the body alone were concerned. A divorce law of universal application neither can nor should exist. The judge, when enquiring into the reasons, must above all things take the individual circumstances into account. What will be a sound and sufficient reason for granting divorce in one case will not hold good at all in another. If a delicately bred woman is physically ill-treated

by her husband the ensuing breach is hardly to be healed; here is an undoubted plea for divorce, although it would hardly be so if a peasant wife were to get a couple of buffets from her better half. The peasant goes on the principle that a good thrashing is a part of married life, and his wife will take it quietly without considering it an indelible affront; her sense of honour is not so sensitive. To put such a case forward as ground for a divorce would be a piece of sheer irresponsibility.

It is evident that a reasonably constituted jury might deal very successfully with just this kind of moral question. The greatest possible assurance of a just decision would be secured by twelve persons of the same class or the same station in life as the disputing couple declaring upon oath their conviction that the marriage was so morally destroyed that it could not continue to exist. But, unfortunately, Radicalism has taken care to make this impossible, as, according to them, class divisions are to disappear. We must keep to the general principle that laxity about divorce is far more reprehensible than over-severity. The multitude of separation cases is a dark spot in our civilization, and a proof that these deeply serious matters are no longer regarded in the light of Christianity.

The legal conception of the meaning of property was formulated through the recognition of the family in the legal sense. Bed and board are already bound together in common parlance, family and property have been evolved together and in kindred forms, for, broadly speaking,

the history of property is its development from communal holding to free individual ownership. There is no better proof of the connection between this and the family than the institution of the law of inheritance, without which there can be no secure sense of ownership. The right of succession in its ideal sense implies the continued working in the present of the will of past generations. For the majority of men the making of their will is the only evidence they have that, as human beings, they have an historical enduringness denied to the brute creation. Aristocratic States often pay too little heed to the actual present and the rights and interests of living men, while democracies incline to shut out the past entirely. England is very remarkable in that, according to the letter of the law, there are very wide testamentary powers, but a custom, rooted in antiquity and stronger than the written law, has long prescribed an inalienability of landed property, which all goes, by virtue of this ancient usage, to the eldest son, together with a large portion of the personalty. England owes the existence of its large settled estates purely to its law of entail upon the first-born. In France, on the other hand, the barren notion of *Égalité* has destroyed all personal freedom. What a tyrannical principle it is which dictates the equal division of the property between husband and wife, and the partitioning of the estate according to the number of the children, so that the man is left with no power to dispose of the possessions which his own exertions have earned. The

moment the father dies the officials arrive to affix seals upon everything, and an insufferable rummaging among the household goods begins by authority of the State. The limitation of families to two children is very intimately connected with this system of inheritance; it is the refuge of the man of moderate means from the prospect of leaving all his offspring poor if he has many of them. The English custom is not without its own drawbacks, but upon the whole we must prefer it, with the great liberty it leaves to the testator, to the tyranny of the democratic law of France, where all are treated alike.

VIII

RACES, TRIBES, AND NATIONS

We turn now from the simplest forms of State-membership, the family and the clan, to consider nationalities, races, and tribes. I have made use of the word "nationality"[1] because in science it is impossible to form clear conceptions without employing such foreign terms. The strength of the German language shows itself precisely in its ability to assimilate so many of them. We will not allow ourselves to be abused for this pride of our nation in its cosmopolitanism in the best sense of the word, which gives us power to take for ourselves the undying parts of the speech of other peoples. Any one who is capable of thinking historically will realize how completely such words as *Majestät*[2] and *gravitätisch*[3] have become part of the German language. The word *gravitätisch* has been so skilfully assimilated that already the very spirit of the seventeenth century seems to breathe through its syllables. Our speech, as the poet says, has not only passed through the oak forests of primeval Germany, but also through the palaces of princes, and yet it

[1] Translator's note: "Nationalität."

[2] Translator's note: "Majesty."

[3] "Solemn."

remains to-day what it always was. It has absorbed certain elements, and again rejected others, nor should we always accept the treasures of foreign speech which it has drawn unto itself. The word "nation" will be used by preference in the political sense. The meaning attached to it in ordinary speech is in any case extremely capricious; if we wish to express clearly that we desire to convey the idea of a common blood, we must use the expression "nationality." Everybody knows what is meant by "the right of nationality," and it is in this sense that we shall use the term.

It is quite clear that difference of descent was not brought about by the State, but existed before it. But it is no less clear that the State must try to penetrate with the same speech and culture all those whom it unites. We cannot repeat too often that political science requires nowadays an unprejudiced historical judgment before all else. It must finally tear itself free from the abstractions of Natural Right and the resultant revolutionary political doctrines, which sought after principles rather than forces in the current of historical life. The dominating idea was always that fixed written principles ruled historical existence, and that living facts had to shape themselves by them. Such hollow abstractions must be finally destroyed.

The one which chiefly occupies the minds of the present day is the so-called principle of nationality. The reason is not difficult to grasp. We are still under the influence of the reaction against the Napoleonic world-empire. It was

perfectly natural that this attempt should arouse the consciousness of nationality to an energy which had never been felt before. Both Italy and Germany offered the imposing spectacle of two great peoples rising to the attainment of a political unity. We see the same forces working where they are in opposition to ourselves. The law of historical ingratitude still holds good; often, indeed, has it operated in Germany! We displayed it ourselves towards the Romans, and now the sub-German peoples, who are our debtors for the whole of their civilization, are showing it towards us. In the sixteenth century the Scandinavian nations began to work for their independence; now we see the same process going on in the south-east. All the races in Austria have to thank us Germans for their culture, yet now we see the weapons, with which we have ourselves supplied them, turned against the power of Germany.

Thus our century is filled with national antagonisms, and it is not surprising therefore that there should have been talk of setting up a principle of nationality. If we keep our vision clear from the confusions of Napoleonic phraseology, we see that there are two strong forces working in history; firstly, the tendency of every State to amalgamate its population in speech and manners into one single mould, and secondly, the impulse of every vigorous nationality to construct a State of its own. It is obvious that we have here two divergent forces, which generally oppose and struggle against each other. We have next to discover what

settlement they arrive at. That the conceptions of Nation and State should merge into one is the tendency of all great nations, but history shows us how far this is from being actually put into practice. The superiority of Western culture arises from the fact that Western Europe has larger compact ethnological masses, while the East is the classic soil for the fragments of nations. This alone would be enough to make it very difficult for the Oriental State to attain to any inward unity. It must content itself with external administration and the exaction by the ruling race of tribute and submission. Russia and Austria are in this respect countries of transition between East and West; the ethnographical conditions in these empires are already more Oriental than European, and hence comes the exotic character of the whole life of the State.

Thus we see two great forces which may either work in harmony or in discord with one another. Furthermore, it is clear that the idea of nationality is the more active, and itself forms part of the current of history. Almighty God did not separate the nations into glass cases as if they were botanical specimens, and we can see for ourselves how history has moulded them all. Nationality is no permanent thing; there are great nations whose original character and native genius have never quite been lost, but we can trace how it has mingled with other streams. The Greeks and the Germans are instances of two primitive peoples whose own peculiar genius has never been subdued; even the iron strength

of the Roman Empire was powerless against them. It was easy enough to establish military colonies on German soil, but to Romanize the Germans was an impossibility. When our forefathers marched as conquerors into Rome, however, the ethnographical process was reversed: the superior civilization revenged itself upon the victors. The Lombards retained their German speech comparatively long, the Ostrogoths never discarded it, but their Empire was shorter-lived. In far the greater number of the other German States established on Roman soil we see the conquerors adopting pretty quickly the language and customs of the more highly civilized vanquished race. The Visigoths became Spaniards, the Burgundians Gauls.

In addition to this we find some periods in history filled with the cosmopolitan spirit, while others display as strong a tendency towards national cleavage. At times some common intellectual movement stirs all nations to such an extent that national antagonisms withdraw into the background. The epoch of the Reformation was one of these; at that time the struggle for religious truth took such hold upon men's hearts that in every nation the alien co-religionists drew together against their kindred who were enemies of their faith. History in its fruitfulness will somewhere and some day produce the same phenomena again.

It is safe to assert that the energy of national feeling works differently in the different nations. Some there are in whom narrowness of outlook is innate. This applies most particularly to the

insular nations, and as we think to the English. The Germans are their very anti-type, far the greater number of them being naturally cosmopolitan. Our people are for ever struggling with themselves; they have at length so overcome their perpetual assimilation of foreign elements as to find time to think of themselves. This peculiarity of the German nature should be described by the word *selbstlos* (self-less), a term whose meaning has been so thoughtlessly abused by our journalists.

Thus manifold have been the conflicting influences of the various living forces of history in national questions. When we examine these complicated conditions more closely we find first of all a great antagonism of races among human kind. We need not dwell here upon those newly discovered by our geography. No doubt the Berbers of Northern Africa, the Australian Aborigine, and the Malays are specific races, but the historian need only concern himself with the broad divisions of white, black, red, and yellow. The yellow race has never achieved political liberty, for their States have always been despotic and unfree. In the same way the artistic faculty has always been denied to the Mongols, in spite of that sense of comfort which we may admire among the Chinese, if we are soft and effeminate enough to wish to. The black races have always been servants, and looked down upon by all the others, nor has any negro State ever raised itself to a level of real civilization. Physical strength and endurance are such marked characteristics in the negro that he is employed inevitably to serve

the ends of a will and intelligence higher than his own. The red race of North America, although now fallen into decay, once possessed a remarkable talent for State building. The old States of Peru knew no liberty indeed, but they had brought administration to an uncommon pitch of perfection, and had a postal service and a police force such as did not exist in Spain at the time of the conquest of South America. The red and yellow races spring from a common stock. Opposed to them stands the white race, which falls into two classes, the Aryan and the Semitic peoples.

These divisions are tremendously wide and deep. If we start from the supposition of the descent of all mankind from a single pair, and if we are still so fully persuaded of the equality of all men in the eyes of God, the differentiation of the various species must lie in an immeasurably distant past. But it is well known that when Nature has once carried out such a differentiation she will not tolerate any attempt to go back upon it. She revenges herself for any mixture of species by making the higher type give way before the lower. Even as by the interbreeding of a horse and a donkey a creature is produced which possesses the qualities of the less noble animal, so it is with human beings. The Mulatto is a nigger in all but his paler skin; that he is aware of it is shown by his consorting with other blacks. The same applies to mongrels. A physical disgust subsists between whites and blacks—the white cannot endure the presence of negroes in a confined space. The American States are obliged to run compartments for negroes

only upon their railways, because their proximity is intolerable to those of a different race. If the character of a State is to be absolutely determined by the difference of races within it, it is quite certain that political freedom in the proper sense of the word is impossible, for a practical equality can never exist between beings which Nature has created unequal. In North America, even after slavery was abolished, the number of negroes who actually held posts under the State has always been of the smallest. The difference of capacities is so great that this will undoubtedly always be the case, but since the black population is in a minority, freedom is still possible. It is different in such countries as Hindustan, where the whole character of the State is modified by the juxtaposition of different races. Here a free Constitution is not practicable, for the subjects of the State can only feel themselves as belonging to a race which has, as it happens, been subjugated by a foreign power. Thus the contrast between races will always persist, and need not be deplored, for the world would be unbearably uninteresting if they were all alike.

These great racial antagonisms are crippling to the State; the differences of nationality within one race are more easily smoothed over. But how is nationality to be exactly defined? The question is difficult to answer; in some cases a whole sequence of historical facts must be taken into consideration before we can decide what really constitutes a nationality, for a single proof may not suffice. Speech is the most rela-

tively certain sign, but not absolutely, for the Irish are most assuredly not Englishmen, although they speak English. There are besides nations of wanderers, such as the Jews, for whom the language they speak has no inward meaning, but is merely the convenient method of expression. A certain number of European Jews have, as a matter of fact, succeeded in really adopting the nationality of the people among whom they live, and in becoming truly Germans, Frenchmen, or Englishmen. Every one will recognize Benjamin Disraeli as an Englishman through and through, even in certain externals, and the history of our own literature affords instances of some Jews whose characteristics are essentially German. This is pre-eminently true of Moses Mendelssohn, but it is equally certain that in Berlin, and eastwards from that city, there are many Jews who are inwardly real Orientals, in spite of the language they speak.

While admitting the existence of such essentially homeless peoples, we must also not forget that it is possible for single groups to outgrow the characteristics of their old national community in the course of their political and social development.

This applies to the German-Swiss, and in a still higher degree to the French-Swiss. The dwellers on the Lake of Geneva are of the same blood as the people of Franche-Comté, but the whole tone of their life is so totally different from the superficiality of the essentially French nature that we have to label them French-Swiss, not French out and out. The same thing may

be said, though less absolutely, of the German-Swiss.

We can follow the process of this growth away from the old cradles of their nationality, particularly clearly in the people of the Netherlands. They are of low-German stock, such as Saxons and Westphalians, but already throughout the Middle Ages they led a separate existence; then followed the division within the Hanseatic League between the eastern region and the Flemish cities of the west; and finally the great War of Religion in which Germany failed to stand by her daughter nation. The Dutch developed their dialect quite consciously into an independent language. For a time, and until the middle of the eighteenth century, the literature of the Netherlands was cosmopolitan and classical. Leyden was the headquarters of the Latin culture which dominated the world. Gradually, however, they began to cultivate their mother tongue, and to-day Dutch has as much ceased to be a dialect of German as has Portuguese of Spanish. Its grammatical construction has departed widely from ours, for it has adhered to the logical Latin syntax. What is it that gives this language its irresistibly comic touch? It is nothing but a sailor's dialect, framed to express the lowest and most ordinary ideas; therefore when it would raise itself to convey the conceptions of the highest education it is forced to employ expressions whose original meaning was perfectly trivial. This is a most instructive instance of how a nationality may become transformed, for it is unmistak-

able that the modern Dutch are Germans no longer.

So it is possible for a tribe to outgrow its ancient community, and it is also possible for this nationality to develop a fresh expansive impetus of its own.

Put this question to yourselves—What is Germany, in the historic sense, and where used her boundaries to be ? The whole idea of what constitutes our country has altered. About one-third of the territories which we call Germany to-day were first won for her five or six hundred years ago. The marvel is that in spite of this there is no mistaking what the German spirit is. The real German is absolutely not to be confounded with any other people, although the frontiers of Germany have undergone so many changes in history.

Thus it is impossible to expound the facts of history genealogically as if it were a family tree. We must rather say that even nationalities are subject to the currents of historical life, and it is equally instructive and difficult for the historian to trace out these ethnographical fluctuations. Sometimes he seems to meet with a miracle. Think of England and see how Anglo-Saxons and Normans became one nation after a furious national struggle. We can see the completed process, and imagine, from our knowledge of individual instances, how this fusion of races comes to pass. The normal condition, however, is that the unity of the State should be based on nationality. The legal bond must at the same time be felt to be a natural one, arising automatic-

ally out of a blood-relationship either real or imaginary (for on this point nations labour under the most extraordinary delusions). Almost all great nations, like the Athenians, call themselves autochthonous, and boast, nearly always without cause, of the purity of their blood. Yet it is just the State-constructing nations, like the Romans and the English, who are of the most strongly mixed race. The Arabs and the Indians are of very pure blood, but no one can say that they have been peculiarly successful State-builders; their strength lies in quite other directions.

When we consider the ways of Germany we find that the inhabitants of large parts of Hesse, of Hanoverian Lower Saxony, as well as East Friesland, Westphalia, and perhaps Northern Thuringia also, are of quite unmixed Germanic blood. We can recognize this even at the present day. Wherever the girls carry their burdens on their heads we may be mathematically certain that there the Romans have been, but never when the load is carried on the back or in the hands. No one, however, would try to maintain that the creative political strength of Germany resided in these unmixed Germanic stocks. The real champions and pioneers of civilization in Germany in the Middle Ages were the South Germans, who have a Celtic strain, and in modern times the North Germans, who are partly Slav. The same applies to Piedmont in Italy. In France, pure Celtic blood is now found nowhere except in Brittany. The Bretons have always been a valiant little people; they

furnish the best soldiers in the French Army, since the loss of Alsace. It is, however, a country of bigotry; the people lead a calm, idyllic existence, but the constructive political gift could never be ascribed to them.

In the powerful mill through which a nation is ground when it mingles with another, the softer sides of the character are easily destroyed, but the power of the will is fortified. So it is; and to that you must add that there is no such thing as a purely national history, for the process of give and take and the influence of cosmopolitan forces will always almost entirely form the basis of historic life. On the other hand, all true heroism, whether in literature or politics, must be national if it is not to be powerless in the moral sense. When we take both these great contradictions together we see that there is nothing to be gained from barren talk about a right of nationality. Every State has the right to allow the nations it contains to amalgamate, and, on the other hand, every nationality will feel the impulse to make itself politically independent.

It is clear that these two tendencies must of necessity lead to manifold contradictions in an old world where national divisions cannot be very sharply defined, and it is also obvious that national unity is the most conservative foundation for a State, for it contains the outward conditions for preservation of peace. Aristotle observes that peoples of different races incline to unrest until they have inwardly amalgamated.

When several nations are united under one

State, the simplest relationship is that the one which wields the authority should also be the superior in civilization. Matters can then develop comparatively peacefully, and when the blending is complete it is felt to have been inevitable, although it can never be accomplished without endless misery for the subjugated race. The most remarkable fusion took place after this fashion in the colonies of North-East Germany. It was the murder of a people ; that cannot be denied, but after the amalgamation was complete it became a blessing. What could the Prussians have contributed to history ? The Germans were so infinitely their superiors that to be Germanized was for them as great a good fortune as it was for the Wends.

Even where the intermixture under these conditions is not completely successful, an alien nationality may still be entrusted with certain rights of its own, if it deserves them. We pursued this policy with Posen, when it was made into a Grand-Duchy and received a banner of its own. But how were we repaid ? By continual fresh treasons on the part of the Poles ; by constantly recurring revolts. Thus the State was forced to treat this province simply as a province, and to revoke the promises made to it. The great Bismarckian system set us at last upon the right road in Posen, and under him we were on the point of Germanizing education. Now on the contrary we are permitting German Catholic children to be given instruction in Polish, under the name of private lessons. The whole point of the conflict is that Protestantism and

Germanism are there held to be synonymous, and that an attempt is being made to infuse Polish sympathies into the German Catholics. To proffer the schools in order that German children may receive private lessons in Polish is a shocking piece of folly. Prince Bismarck disposed of it very summarily. His policy was the natural policy of a great State, conscious of itself.

We Germans to-day are in evil case. The time has come, as we have seen already, when the sub-German peoples are beginning to awake to consciousness of themselves. Up to a certain point this is justified. It is undeniable that Peter the Great's innovating methods with the Russians were arbitrary. For a Russian who holds his nationality superior to the German, the reaction apparent to-day is easily comprehensible.

Every nation over-estimates itself. Without this feeling of itself it would also lack the consciousness of being a community; as Fichte truly said, "a nation cannot dispense with arrogance." The same is true of the little nations; the less they have to show for it, the more pride they feel.

The Germanic element in the Baltic Provinces had fenced itself about with various territorial privileges, even as the Poles in Posen have had their separate rights; but the Germans in Livonia have never damaged theirs by rebellion, nor has the Czar ever had more loyal subjects anywhere than they. Nay, more, these German Baltic provinces were not only innocuous to the Czar's dominion, but were invaluable to the civilization of the Russian Empire. They have

produced a veritable legion of men who have done remarkable service to the State, both in the civil and military spheres. Russia has a thousand motives, therefore, for preserving the Germanic element in this region, especially because it is in nowise propagandist. Now, however, the ancient, aristocratic Provincial Constitution has been withdrawn, and an effort is being made to force the German population down into the democratic welter of despotic Russia, for a democratic despotism is the truly fundamental characteristic of the Russian Empire. This attempt to de-Germanize a German country, whose vicinity has never brought anything but benefit to Russia, can only be described as barbarous. If these dwellers in the Baltic provinces were not Germans, and as such upholders of the superior civilization, if they had not deserved so much at the hands of the State, the Russian Government would be less to blame for many an unscrupulous act perpetrated upon them.

There are other cases of amalgamation between nations in which the strength of the dominant people does not show itself in what we call culture, but rather in a certain kind of conventional dexterity. Upon this reposed the superiority of the Romans when they subdued the tribes of Italy. They were not only the exponents of a firm political administration, but they also possessed a peculiar power of receptivity for a higher civilization, which the Etruscans lacked. For the very reason that they did not themselves possess many of the higher

gifts of civilization, the Romans were capable of absorbing the culture of the Hellenes. Thus it came about that the want of intellectual depth in the Roman spirit became in itself a uniting bond.

This fortunate circumstance of the dominating nationality being at the same time the bringer or the spreader of a superior civilization does not, however, always occur. Sometimes the very reverse is the case, and then, as we have seen, civilization takes its revenge for its political subjection. The political victors adopt the language of the vanquished. We observe, in the migration of races, how the strong German races gradually became imbued with Roman civilization, and soon became proud of having assimilated it to themselves. Such an intermingling of speech and customs gives rise to many transitional phenomena; Jacob Grimm refers to them again and again. When words and institutions are transferred from one nation to another, the form is first changed, while the substance remains unaltered. The Latin root of such words as *regieren*, *spazieren* persists, but the inflection takes on the German form. Similarly the English language later adopted a quantity of French words, but gave them the German inflection. The same thing applies to institutions. In the case of the adoption of a foreign law, the form or application of it is first converted, while in essentials it remains for long the same.

In all this we perceive the tremendous importance of form, most especially in the history

of national civilization. Even when two peoples come into peaceful contact with one another, both sides begin inevitably to try to mould the speech of the other. Here certain homely influences come into play. In German we speak correctly of the "mother-tongue," not the "father-tongue," for the child does in fact learn its speech from its mother; in the same way the processes of national amalgamation depend more upon the women than the men. The fact that women are more appreciative of beauty of form than men are, explains in many cases the reason why, when two equally great nations meet, that one prevails which has the superiority in its outward forms. Let us examine for a moment how the German element has lost ground in the South Tyrol. In the sixteenth century Trent was still half a German town, now it is completely Italianized; the foreigners have advanced step by step in the last few hundred years. The causes of their progress are economic, for this was the very home of a particularly sturdy Germanic stock. Upon one side we find the burly forms of the red-jerkined countrymen of Andreas Hofer. Over against these men, who were so avid of present enjoyment, we have the shrewd, thrifty, niggardly Italian. He bought out one German peasant proprietor after another, and thus the language frontier drew constantly back towards the north. The second, perhaps still more important, influence at work is that of forms. Italian civilization is not indeed higher than our own, but it is older. In the days when we were still savages, they had long

been a civilized nation. This ancient culture makes itself felt in the manner of their social intercourse, and in the urbanity of their character; they are essentially city-dwellers in their good points as well as their bad ones. The feminine temperament is particularly accessible to the outward superiority of these thoroughly cultivated courteous manners, and in mixed marriages it is easy enough to understand how the German woman takes the Italian characteristics of her husband, while the reverse is seldom or never the case.

We are bound to say that the Latin races have done much to further the processes of national amalgamation, for the very reason that they content themselves, after the fashion of the Romans, with a stereotyped ideal.

There is absolutely no centrifugal element in Italy and France. In Dalmatia the Italianizing force has reached such a point that it is necessary to pierce below the universal crust of Italian culture before we discover that the bulk of the population is Slavonic. The towns in Istria are all upon the model of their old mistress, Venice. This capacity of the Romans for imposing their nationality upon others is less inherent in the Germans. The German temperament is deeper; it strives to mould men's characters according to its own ideas; a far more difficult task, and therefore much oftener unsuccessful. Hence the many centrifugal forces in German States. England herself, despite the anglicizing of the language, has never yet succeeded in inwardly coercing the Emerald Isle.

In Germany, as a whole, the centrifugal elements are still unendingly various. One reason is the long-standing discord within the German race itself, which has naturally impeded the subjugation of other nationalities. Nevertheless the internal contrasts between dispositions are much less with us than with other civilized nations. We have no such divisions as exist between the Provençal and the Flemish northern Frenchman (who is, properly speaking, a North German), or between the Sicilian and the Piedmontese. As a matter of fact, some of our different races who live far distant from each other get on very well together. The Schleswig-Holsteiners and the Swabians have always been good friends, and a very large number of marriages take place between the inhabitants of Electoral Saxony and the East Prussians. Both stocks are combative in the highest degree, but their differences do not conflict. On the other hand, some tribes living side by side display the strongest dislike for one another. Who does not know the antagonism between the Rhinelander and the Westphalian, the Bavarian and the Swabian, etc.? It all goes to prove, however, what a strong bond of inward unity our people possess. Long ago the Romans reported, when they found Germans first in the Balkan Peninsula and then again in Gaul, that here was a people who had no State and no over-lord, and yet one was so like another as to be indistinguishable.

Greeks and Germans, perhaps the two noblest nations in the world's history, have also been the most cosmopolitan. Out of the Hellenism of

Greece sprang the cosmopolitan Hellenism of Alexander the Great, and later the Byzantine civilization; from Teutonism went forth all the "Romanic" States; while the Romans, precisely because they had but little either in their hearts or heads, displayed national energy in a marked degree. Roman unity was primarily made up of outward forms. It was founded first upon discipline and the argument of the corporal's cane. Their very language is formed to express their policy—soul-less, but with a wonderful intellectual power which makes it an indispensable part of the equipment of an educated man. Nevertheless how long it was before Rome developed a literature, and when it came it was Greek in spirit, though written with Latin words. But a whole nation submitted to these forms, and in a long period of communal life evolved a strength of national instinct which we Germans cannot too greatly envy.

We continue to be the people which has the least power of national resistance. This is even the case in our relations with our Polish neighbours, and here again a great deal depends upon the women. Observe how marriages are contracted in this region; in Posen it is the rule that the wife is Polish, the husband German. This is a peculiar phenomenon: two nations who mutually detest each other are yet found intermarrying. The Germans and the Wends did the same, although their hatred for each other was so deep-seated. Now Germans marry Poles, but the mother takes care to remain Polish, and so it goes on.

The attitude of the Church is important in these processes of amalgamation. The Catholic Church is always on the side of the language of the inferior civilization. They love the dialect of the people better than the speech of the educated, for they find more support among the former ; hence it comes that the clericals on our Eastern frontier are out-and-out Polish in sympathies. In Belgium they take the Flemish part, for there the French are the Freemasons.

Thus manifold are the influences which co-operate in the intermixture of different nations. The normal thing is for one of them gradually to succeed in obtaining the dominion over the other ; then a State language comes into being, and certain separate rights can be agreed upon, such as are in accordance with the political resources of a frontier province.

Cases can arise, however, where the absorption of one race by the other is not possible, and these lead to very complicated political conditions. It is remarkable in how many different ways the problem can be solved, and we often find in history that the same circumstances lead to diametrically opposite results. A World-Empire may be constructed by the absolute ruling will of a Caesar, or by a loosely-knit form of association, as in North America. Thus, too, a State in which the nationalities are mixed can be most easily ruled in one of two totally contrasting ways ; either by a federative Republic, in which very little business is transacted in common, as in Switzerland (where neighbours can live in peace and amity in spite of the difference of

nationality), or by means of a strong despotic Government. In Switzerland we find three nations politically united, each of them living on the borders of their own mother-country, and so comfortably situated upon the whole that its natural power of attraction is not a disturbing factor. In German and French Switzerland there is no one who wishes to be either German or French, and it is only in the Ticino Canton that the Italian feeling is perceptible. There is no room in the new Cantonal Constitution for any yearnings towards the great neighbouring nationalities.

The other form of Government by which the coexistence of several nations within one State can be made bearable is a wise Despotism, which keeps them all in a lethargy. It is a singular fact that these national questions become more dangerous in proportion as the Government, which was originally despotic, assumes the forms of freedom. A people, as a whole, can never possess the patience of a single ruler; in national questions it cannot stand neutral. In this matter the history of Denmark is endlessly instructive. The old Denmark ruled its various German territories quite peacefully; no one in Holstein had any thoughts about national antagonisms at the beginning of the nineteenth century. The Court at Copenhagen was German in culture, the German language prevailed, and most of the officials, even the highest, such as Counts Bernstorff, Schimmelmann, etc., were of the Holstein nobility; therefore the Holsteiners had no cause to feel themselves

affronted. But with the Constitutional forms there came a change, and since a nationality cannot be forbearing, the Danes began to misuse their greater numbers in order to annihilate the Germans.

It therefore remains true for such mixed States that, when they have not the power to organize themselves quite loosely, freer forms of government are dangerous. Austria has learnt this by experience since the founding of her Parliament. Old Austria, like the Ottoman Empire, pursued a very skilful policy towards her various races on the principle of *divide et impera*. Charles V. is a typical figure for a ruler of this kind. Of Brabantian origin, educated in Castile, he became more and more of a Spaniard as life went on, but in Germany it was only quite gradually that he came to be regarded as a foreigner. It was one of his great gifts as a ruler to be able to assume the position of a sort of demi-god without appearing to any one of his subject peoples in the light of a stranger. Where that can be achieved, the *divide et impera* system can be very successfully applied, by playing off one nation against another. In this way Charles tried to use his Spaniards for the destruction of the turbulent Germans. Our gorge rises at the spectacle of the House of Hapsburg inciting the Magyar against the German, and then the Slav against the Magyar.

Conditions such as these prevent the States in which they prevail from possessing a civilization of their own in the highest human sense of the word. For good or for evil, he who would be

ruler must either oppress the individual nations or else attempt to pit them against each other. No better instance can be found than the history of the Ottoman Empire. The rulership of the Turks in their great days is worthy of all admiration, but it was unproductive from beginning to end. Go to Hungary, which they governed for 180 years, and what traces of this long dominion do you find to-day ? Nothing but the tomb of the Father of Roses, the Prophet of Mohammed ; that is absolutely all. They only understood how to make their Government secure for the time being, but that they could do in masterly fashion. Their power of turning the weakness of the Giaours to good account compels our admiration. There, in a corner of the Bosphorus lies Lampsacos, where Aphrodite bore her turbulent son ; there, too, is Lesbos, home of incestuous love ; here all the vices were first cradled. Well did the Turks know how to avail themselves of the material which lay ready to their hand, by allowing the Greeks to tear one another to pieces. They possessed the gift of sowing discord and ruling through it, in the highest degree.

When the Constitution is freer, and the people is made up of several nationalities, the problems of Government become more and more difficult, and give rise to a multitude of experiments such as we have seen attempted by the Emperor Francis Joseph of Austria. History has never produced any other monarch like Francis Joseph ; he has tried almost every conceivable political system, and therefore the confusion which has ensued is indescribable. There is no doubt that

the partition of Austria is simply a recurrence to old historical conditions. Its organizer was Maria Theresa, but she was not its originator, for the Dual Monarchy is as old as the Crown of Stephen. The already existent form was settled by Maria Theresa on the fixed basis, by which the Hungarian Kingdom was left under its old Constitution, while the Cisleithan territories were gathered up under the administration of the Austrian Imperial Chancery, thus following out the trend of Austrian history.

With the awakening of national feeling the national conditions in Hungary became more and more difficult to manage, and the Magyar aristocracy, who were always the dominant party in the State, obtained so great a mastery that the position of the other nationalities was often unendurable. Every State must have one official language, in which to transact the business of Parliament. In the Cisleithan Parliament German is the only tongue which everybody understands. Therefore the old Empire rightly chose Latin for the language of the State. Its common use injured no one's feelings, and it was in consequence particularly well adapted for practical ends. It was a thoroughly bad and ridiculous dog-Latin which was spoken, but it kept the peace between the nations. Then in the nineteenth century began the stormy Magyar movement, and Magyar was made the official language. Here lay a source of deadly offence for the Germans, who there possess a language of literature and culture. Moreover, Magyar is very difficult to learn, as

its grammar is on the principle of agglutination, not of inflection; totally different in its genius from our own. This speech of a minority was thus imposed upon the other nations, and so it all went on. It is only quite recently that signs of a change have begun to manifest themselves, in the Magyar nobility beginning to come to a better understanding with the worthy Saxon peasantry. The danger which threatens from the Vlaks is working here as a uniting force. In other respects the arrangements in Hungary are still very unreasonable in many ways, and the compulsory language is used in a ridiculous manner. On the railways the time-tables are all made out in Magyar, but if you mention the Magyar name for the place at the booking-office you are asked in German what it means; the official does not recognize these artificially made-up names.

We have, in addition, to reckon with the peculiar characteristics of the Germans in Hungary. There are only two regions there where the German element has maintained itself worthily and courageously; the beautiful Saxon province of Transylvania, which cherishes so touching an affection for us that it is always sad to think how powerless we are to help the poor little people. German civilization is so strong among them, however, that we may allow ourselves to hope that it will some day make its own way. The same applies to the Protestant Germans in Croatia. The remainder, almost all of them Catholics, are the saddest examples of the Germanic race which are anywhere to be found.

Such a depth of national degradation is positively horrible to behold, and it is disgraceful also, since the Germans used always to be the champions of material and intellectual civilization in Hungary. Ofen is as good a German town as Berlin, except for a few Magyars who live there; and now it has become Buda-Pesth; so named because it lies opposite a preponderatingly Jewish town with Magyar characteristics, and must needs be called after it. In the same way the German theatre too has gradually disappeared.

On the other side the so-called Cisleithanians, gathered of necessity under the control of the Imperial Parliament, are also suffering from passionate national antagonisms. Besides this, nothing could be more unfortunate than the geographical circumstances, because to the Danube territory proper is added on the one hand Dalmatia, on the other Galicia, both far-distant provinces with which the Danube lands have nothing whatever to do. The Poles have been the wisest; they sit firm in the Imperial Parliament, and generally give the casting vote. All this introduces incalculable factors into the situation, and it is impossible to forecast even the immediate future. Federalistic experiments are not likely to be tried again. The State which has acquiesced in the Dual System will not undertake them any more in its western territories. One other plan might still be feasible. The edge might be to some extent taken off the racial enmities, if an *itio in partes* were assured to all the nationalities. If no party were permitted to overrule the other in educational legislation,

etc., but the Crown be made the final arbiter, elections might lose their bitterness, and internal harmony be better secured. So great, however, is the harshness of national feeling that no one feels any desire to smooth it over.

In the immediate future, then, it will still be Austria's destiny to be torn with internal struggles. Moreover, there is the sad fact that even in Cisleithania Teutonism still goes upon a broken wing. The fine German culture of Vienna in the Middle Ages has long since vanished. In the eighteenth century music was the only form of creative art in which Austria excelled, and music does not influence national character as poetry does. In more recent times there has been more approximation to the German spirit, but on the other hand Austrian Germanism has been unspeakably corrupted by Semitism. It is clear that in such a country an experimental and make-shift policy is unavoidable.

The Jews play a quite abnormal part in this singular whirlpool of national antagonisms. Once on a time, when they were still a nation, they made for themselves a lasting place in history by their maintenance of a pure monotheism; but soon the exodus began, and we find them scattered over the face of the earth. Semitic is their great religious genius, which, however, contains no propagandist tendency, and finds its antithesis in their trading instinct developed into the wildest passion. This outstanding feature of Jewish character, added to an overweening racial conceit and a deadly hatred of everything Christian, explains the quite unique position

which Judaism has occupied in all periods of history. In plain words, the Jews have always been "an element of national decomposition"; they have always helped in the disintegration of nations. Trade recognizes no frontiers, and it is not necessary to demonstrate how one group of the great capitalists of Europe are formed in an international association to promote their own interests at the expense of their smaller colleagues and the landowners.

On the other hand, the Jews marry so strictly among themselves that they never amalgamate with an alien people. In history they appear to belong to them all, but in spite of this the majority of them keep their innate characteristics unimpaired, and wear the foreign nationality like a garment. Hence the well-known fact that the only art in which the modern Jew shows real genius is the art of the theatre. Imitative faculty, without any inward originating power, has always been a strong point of Jewish literature. Great poet as Heine was—and he was one of the few Jews who really knew the German language—we see when we compare him with Goethe, or even with Chamisso and others, how they are the originators, he the imitator.

This nation whose qualities are so contradictory has three times played an essential rôle in history. Firstly, in the Empire of Alexander the Great, when Greek genius expanded into Hellenism. Then the Jews were not only the merchants of the world, but they were also the uniting element in intellectual life. This was the time when Greek culture proper was falling into

decay, and those schools of philosophy were arising in Alexandria, whose teaching was a mixture of Jewish and Greek thought, and prepared the way for the great Christian idea. Once again did the Jews play a like part in the Empire of Rome. Caesar designedly favoured them, and rightly so, for he ruled the world. The nations united under one sway must cease to feel themselves nations, and for this end no means could be better adapted than the influence of the homeless Jews. Therefore, here again they took their place in history. Next we come to the time when the young States of the Germans began to rise upon the ruins of the Roman Empire. In order to find their bearings in this unfamiliar civilization and finance, the Germanic farmers required some helpers conversant with the use of a currency. In the early Middle Ages the Jews controlled the trade of the world. This explains why they were then treated with so much more friendliness than was the case later. Theodoric the Ostrogoth could not dispense with his Jews, and long after his day Louis the Debonnair was an acknowledged philo-Semite, although even so he was unable to extricate himself from his embarrassments.

Presently, however, the Jews ceased to be indispensable, for the Aryan races learnt how to manage their own finance themselves. It then became apparent what a dangerous disintegrating force lurked in this people who were able to assume the mask of any other nationality. Fair-minded Jews must themselves admit that after a nation has become conscious of its own

personality there is no place left for the cosmopolitanism of the Semites; we can find no use for an international Judaism in the world to-day. We must speak plainly upon this point, undeterred by the abuse which the Jewish press pours upon what is a simple historical truth. It is indisputable that the Jews can only continue to hold a place if they will make up their minds to become Englishmen, Frenchmen, or Germans, as the case may be, and provisionally consent to merge their old memories into those of the nation to which they belong politically. This is the perfectly just and reasonable demand which we Western races must make of them; no people can concede a double nationality to the Jews.

The considerations in this matter are extremely complicated, because we have no certain standard by which we can ascertain the extent to which the Jews have spread themselves among the alien nationality. Baptism alone is no guide. There are unbaptized Jews who are good Germans —I have known some myself—and there are others who are not, although they have been baptized; the legal aspect of the question is therefore a difficult one. If legislation were to treat the Jews simply as sojourners in the country, allowing them to ply civil trades, but withholding political and magisterial rights, it would be an injustice because it would not fulfil the purpose for which it was designed. A baptized Christian cannot be legally regarded as a Jew. I can see only one means by which the end can be attained, and that is to arouse an

energy of national pride, so real that it becomes a second nature to repel involuntarily everything which is foreign to the Germanic nature. This principle must be carried into everything; it must apply to our visits to the theatre and to the music-hall as much as to the reading of the newspapers. Whenever he finds his life sullied by the filth of Judaism the German must turn from it, and learn to speak the truth boldly about it. The party of compromise must bear the blame for any unsavoury wave of anti-Semitism which may arise.

IX

CASTES, ESTATES, CLASSES

By Estates we mean the different groups of individuals within a nation, formed by similarity in ways of living and the resulting community of opinions, manners, and conceptions of "honour." Such grouping is so intimately bound up with civil society that we may say that the essence of society is subdivision. Just as the State cannot survive unless divided into rulers on the one hand and subjects on the other, neither can society unless organized into various classes. It would, however, be an error to follow Riehl when, in his social and political essays, he speaks of class distinctions as a natural growth, and of the State as an artificial formation. In drawing this contrast he is right in one point only, namely, that the State seldom has any creative influence over class. It may destroy it; an existing aristocracy may be annihilated by a Revolution, but can never be created by the State, unless its elements are previously existent in society. In America, for instance, such an attempt would be an absurdity. Thus it is clear that the State's power of creating class distinctions is limited, although it can undoubtedly develop those which

are already there. An existing upper class can be so fostered by the State that its dominion survives longer than if it were left to itself and it can be ruined by injudicious State interference in the same way.

Thus if, in its ordering of the Constitution, the State is to make use of the class organization which it finds ready to hand, it must stand superior to class conflicts. The essence of class distinction is pre-eminently that spirit of πλεονεξία which we have recognized in all developments of society, and the control of this dangerous spirit is the problem which all rulers have to solve. It is a hard one, for the reason that few men are inwardly free from class prejudice, and yet without this freedom the judgment passed upon a class is always only "e vinculis causam dicere." This requires especial emphasis in these days, when it has become the fashion to talk as if the middle class were without this universal weakness. They have their own prejudices, quite as much as the aristocracy or the proletariat. When we study the history of the German nobility we find that it has at all times produced many men of mark. Its long roll of great statesmen and soldiers is known to every one, yet, in spite of this, there is a middle-class blindness which without more ado denies the gift of intelligence to every member of the aristocracy, and privately regards every noble as a person who puts up his umbrella whenever it pleases God Almighty to rain wisdom from on high. All human history contains these prejudices and transgressions of classes as such.

It is one long record of the deceits of priestcraft, of the arrogance of nobles, of the pride of purse and lack of culture of the burgher, of the greed and coarseness of the labouring population.

When we examine the divisions within the nations known to history we come first of all to the castes of the Hindus, which take their origin from ancient racial diversity. The Sanscrit name for caste, "*Varna*," signifies "colour." In this case the vanquishers seized upon the highest caste positions over the vanquished; these divisions are hereditary, and can never be overstepped. By Estates, in the strict meaning of the word, we understand those social groups, to one of which every individual must as a rule belong, and the principle is carried to its fullest extent in the State in which each of these groups lives under its own laws. Political unity is then dissolved into a number of class associations. From out of these legally sundered groups a freer organization of classes is evolved, no longer divided by law, from which by good fortune and natural gifts an individual might rise to a higher or fall to a lower status in society. The boundaries could no longer be legally defined, and shallow thinkers have adopted the opinion that class divisions have ceased to exist.

We must further observe how, with the development of national economy, and its increasing number of channels, professional classes have arisen alongside of those original divisions based on differences of birth. Ancient history only affords examples of these latter, modelled

upon the pattern of caste, which goes entirely by birth. The class system of old times seems somewhat barren and monotonous when we contrast it with the rich variety of modern life. The difference lies in the fact that the many-sidedness of modern national economy, as well as the natural configuration of Northern Europe, has brought into existence a multiplicity of human callings which were unknown to antiquity. In modern history numerous professional classes have sprung into being, which have gradually supplanted the old divisions of birth. This is essentially the work of the mediaeval burgher class, and it is no accident which has caused the word "burgher" (*Bürger*) gradually to become the term for a citizen of the State. Every language uses this word in the double sense. This cannot be a coincidence; it is true that a recollection of the "*civitas*" of classical antiquity may have had an effect, but it has not been the cause. The burgher class came to be looked upon as the normal, out of which many other classes grew. So the class distinctions founded upon birth have gradually been swallowed up by those founded upon professions, until the nobility is the only one of the former which survives. Hence the explanation of the unique position of the modern noble who may belong to any profession. It is only natural that this anachronism should raise feelings of silent ill-will among the mass of the population. The development of European history does, in fact, show how the old closed system of birth distinctions has been outgrown, and its place taken by the professional classes,

with all the variety and liberty which they carry with them.

When we return to a closer examination of the ancient castes of India we learn that they have been determined by nothing less than a Divine law, which the individual must not venture to transgress; a doctrine to which the Brahmins have added the further refinement of the migration of souls. According to this theory the miserable existence must ever begin afresh, and he who transgresses the rules of his caste must return as a member of some other quite low down in the scale. This doctrine was like an interdict cutting these races off from all liberty or independence, and the Buddha came to them as a saviour, inasmuch as he preached belief in a veritable death. In this teaching he presents a remarkable contrast to Christ, with whom in other ways he has so many points in common. The Buddha offered release and salvation through faith in a real death, while the Christian religion points to salvation in the Hereafter. No threat of punishment after death, however terrible, could detach the Indian from his caste. India has known a long succession of rulers and many religions, but not one of them has broken through the system which has struck its roots so deep that each foreign dominion has only added one more caste superior to those already existing. Thus the English are now the governing caste, who are no more allowed to mingle with the others than the others may with them. The white man has to conform to the rigid rules of the system. Races in which

the classes are so constructed are bound to remain stationary; the narrowness of their outlook forbids their attaining more than a certain degree of civilization. We have seen how it is the ideal of the law of inheritance that the will of past generations should operate in the present. It should do so, but not so as to cripple completely the living forces of that present. This is what happens in States where caste prevails.

The four ancient castes of India, Brahmins, Kshatriyas, Vaisyas, and Sudras, find their universal counterpart among Aryan peoples in the priesthood, the military aristocracy, the industrial middle class, and finally a labouring class, which may be wholly or partially enslaved. Of all the four the priesthood has had the most fluctuating history. With the Greeks religion and the State were so much one that the priests, as a class, almost disappeared, and were finally merged in the aristocracy. In the case of the Christian clergy also their former power has been so much curtailed, that the Protestant ministry at all events has simply become one of those professions which are recruited from the middle class and share its social outlook.

We shall treat of the Priesthood more in detail in our examination of the Church, and will limit ourselves here to considering the other three classes.

By origin the aristocracy is the warrior class. It became, with the further development of civilization, the political class, and, as such, holds the hereditary privilege of leadership in the State.

In barbarous nations it actually bears arms. It was Scharnhorst who first recalled us to the belief that this is an aristocratic privilege. It was a terrible failure of understanding which made the nations of Europe take an opposite view in the days of mercenary armies. The hireling troops were, as a whole, despised, and exemption from military service was held to be the privilege of the educated citizen. The natural view, however, is that to bear arms is a mark of nobility and distinction, and thus it is that in uncivilized States the aristocracy is the military class, adding, as time went on, other activities of a more peaceful kind.

The word "Noble" (*Adel*) signifies "Race," and the conception of it is founded upon a belief that personal characteristics are transmitted from generation to generation. This view is neither absolutely right nor absolutely wrong. There is no question of inheritance of talent, for Nature is quite incalculable in this respect, and every day we come across instances of the most ridiculous inequalities of gifts between children of the same parents. Bismarck's elder brother was a worthy and quite undistinguished man; if he had been the younger it might have seemed that the great Bismarck had devoured in advance all the intelligence in the family. Furthermore, we find that in the great majority of cases genius and talent are transmitted through the mother. I know of no instance in history of a great man who had a stupid mother, but there are many whose fathers were in no way remarkable. Therefore we can-

not talk of the inheritance of talent in any given family. With peculiarities of character the case is different. These originate more from the father, and are transmitted with more certainty; moreover, character is not merely innate, but can be acquired by association. The habit of command, and of viewing things from above, will come more easily to the scion of a great house even when he is placed in mediocre circumstances than to one who has had to work his own way up. Thus birth is of importance in the forming of certain characteristics, particularly those which belong to leadership. There is no denying the indestructible truth in the words of Horace: "*Fortes creantur fortibus et bonis.*" This lies at the foundation of all aristocracy.

It is extraordinary, however, to find how complicated and varied its development soon becomes. There is no doubt that the idea of purity of blood is thrust more into the background as civilization advances. The desire for complete equality in legislation for the family is well founded and felt by all civilized nations, who refuse with a certain quite natural repugnance to admit the notion of misalliances. Therefore in modern times the nobility can only maintain its essential character by means of political activity. To put it shortly, there is either a political aristocracy or there is none. Nothing but ridicule follows upon the attempt to regard the nobility from the standpoint of a Court Chamberlain.

These variations in the outward forms of the aristocratic class are sometimes absolutely

astonishing. Roman history is very instructive in this respect. The old contrast between Patricians and Plebeians gradually vanished; the Connubium and the right of holding public office was accorded to the latter, but no sooner did the old division vanish than a new one arose. The class of the "optimates" formed itself from the old Patricians and the best of the Plebeian families. How immensely difficult it was for an "*homo novus*" to gain entrance into it we can judge from the history of the servile upstarts, of whom Marcus Tullius Cicero is a type. The very existence of this body of servile opinion shows the greatness of the power of the "optimates." Here then we have a quite definite aristocratic ruling class without any legal boundary between it and the class below, and it was so oppressive that Caesar became the real liberator of Rome by becoming the champion of democratic monarchy in the teeth of its resistance.

We must judge the historical position of the nobility in the different countries of Europe with open eyes in order not to regard foreign institutions with blind admiration. Thus do our Conservatives look upon the English aristocracy, which from the purely social point of view is indeed admirably organized. Only the eldest son of the family is reckoned as belonging to the nobility; this helps to keep the class wealthy, and thereby removes from it a certain odium. It does not apparently damage its excellent social position that the other sons sink back into the ranks of the commons. Thus described, the organization seems very good;

it is only a question whether we Germans, with our widely different moral and social outlook, could adopt it in its entirety. Frederick William IV. even tried it, but was forced to revoke the decree after a couple of months in the first year of the reign on account of a widespread feeling against it. The King's fundamental idea was that the nobility should all be landowners; only those who inherited land should be admitted to their ranks, and younger sons without landed property were to be excluded. With us Germans, however, family feeling is so strong that we consider it an injustice for the younger son to hold a lower social position than the elder, and there is absolutely no argument which will alter this point of view. It is not true that the brother who possesses an estate appears so much more worthy of respect in the eyes of our middle-class society than the one who has none. To-day the respect for landed property has sunk still lower, since so many of the great estates of our nobility have fallen into obviously unworthy hands.

When we examine the many different forms which aristocracies have assumed in the history of the different countries we can say that the English nobility is parliamentary; while the French is courtly, and perished because it cultivated this quality at the expense of its political influence; the German was, and is, monarchic and military, wherein lies its strength; the Italian is urban. In England the real "nobility" is alone recognized in law. To it belong the "lords," the hereditary members of the Upper

House. Below it is another social grade, as little legally defined as were the "optimates," the class of the "gentry" whose importance cannot be overrated. They are the real support of local government in the counties. The "Lord-Lieutenants" are very rich and respected territorial magnates, whose only duty is the giving of large dinners from time to time, but they exercise great indirect influence.

Formerly the great majority of Justices of the Peace were drawn from amongst these large landowners, and the self-government of the country lay in their hands, but nowadays the position of these magistrates is so destroyed that they may almost be discounted. Officialdom has taken the place of the old local government by the aristocracy, and thereby a blow has been struck at the root of the power of the gentry. Nevertheless, as the English are naturally aristocratic, it is probable that it will continue to exist under the new forms. Parliament is composed of the "nobility," the possessors of the only recognized titles, and the gentry of noble descent, who are the actual rulers of the State. Latterly, however, customs have altered in this respect also, owing to the uprising of a purely democratic element in the Lower House, which may produce results as yet impossible to predict.

England's nobility, then, is essentially parliamentary. In contrast to it we have the aristocracy of France, so brilliant in its beginnings when it was the model of gallantry and chivalry for all Europe, gradually sinking lower, and

deliberately helped by the monarchy along the downward path. Titles could be bought and two ends be furthered thereby; one the enrichment of the Treasury, the other the subjection of the noble class itself, which became less and less dangerous to the Crown the more its numbers grew. This too crafty policy overreached itself. The nobility became courtly in the bad sense of the word, dissipated their energies in the revels of Versailles, grasped at life's pleasures, and for "*noblesse oblige*" substituted "*noblesse dispense.*" They were filled, too, with an arrogance of caste, which forms an ugly contrast to the barrenness of their achievement.

Then came the terrible catastrophe of the Revolution. The nobility emigrated and took up arms against their fatherland. There is no more to be said; an aristocracy is lost which goes to a foreign country to fight against its native land. It is only another proof of Napoleon's insight into the character of the French people that he never ceased to gird against the *émigrés*. Since that time the power of the nobility has been so shattered in France that its patriarchal form of existence only lingers on in a few of the western provinces. When we see what the nation has got in exchange it is difficult to say whether they are better off with the Baron de Reinach and similar delightful types than they were under the Montmorencys with all their ill-deeds. However that may be, it is to the honour of the French that they never forgave the *émigrés*. In this, as in other things, we can perceive the utterly narrow outlook

of our Radicals when they imitate French ideas. The French had good reason for hating their nobility; in Germany it is exactly the other way round, for who is there who can deny that our Prussian aristocracy has shed its blood for the Fatherland upon a thousand battlefields?

When we look into the matter we find that in Germany also, the best part of our nobility are political in the highest degree. In a certain sense we are bound to say that no country in the world has a more illustrious aristocracy than our own. Since we became an Empire our princes have belonged, properly speaking, simply to the higher ranks of the nobility,—a class which need shun no comparison. Its lower ranks are monarchically inclined, so far as they count for anything. The Prussian nobility occupy so high a moral position precisely because the much-abused Prussian *Junker* constitutes the best element in the whole German aristocracy, as every one acknowledges who is acquainted with the smaller German states. They learned long ago in Prussia how to be subjects, and how to seek their glory in the service of the Crown. Their spirit had first to be broken by the power of the Monarchy; when this was once done they submitted themselves to it. The petty nobles of Saxony and Bavaria, on the other hand, have always been somewhat parasitical; like their brethren at the Court of France they sought to raise themselves by Court favour.

There is still a further consideration. The Catholic nobility of the south and west ruled the States of the Church in Germany for centuries,

and divided the numerous princely coronets among their sons. These are now dispossessed, they are mediatized and dethroned, and cherish sentiments with regard to the new order of things which in many ways recalls the temper of the *émigrés*. It is not quite so bad, but there is something in it of the same enmity, and until that is overcome this section will stand in a doubtful position in relation to the whole of national life.

It is exactly the old families among the minor nobility who have the blood of serfs in their veins, for the original German nobility either died out or rose to princely rank. The lesser families have almost always civil servants for their fore-fathers. These were unemancipated, but by reason of their political activity they were raised above the mass of the ordinary freemen, so that they gradually became superior to them. Many good noble names, such as "Buttler," "Truchsess," "Schenk," still betray this origin. A similar process is still going on. The ranks of the nobility are swelled by the accretions from middle-class families, who have come to the front in the State's service. It is quite natural that this should be so, nor is there any objection to it, provided always that it is not accompanied by arrogance and folly. From out of the aristocracy there is evolved in process of time what are vaguely called the ruling classes. "Optimates" rise to eminence who generally have a share in the civil or military government of the State. We are a monarchically constituted people, as our system of orders

and titles clearly shows. We set store by having a position, real or apparent, in the framework of the State. If a man cannot be a *Regierungsrath* he desires at least to be a *Commerzienrath*. In England we find the purely aristocratic ambition, with us it takes monarchic-bureaucratic form. Whatever it be, some kind of tradition is necessary in the guidance of the State. Our ruling class comes of good families, who bring up their children with definite notions of what is honourable and what is not. A stock of inherited conceptions of integrity and morality is a necessity for Government, which does not depend primarily upon knowledge but upon capability to rule; a capability inseparable from self-control, which training must have made into a second nature.

In modern times the status of the lesser nobility has been much lowered by the wholesale bestowal of titles, so that only the minority are owners of land. A number of very deserving men are among those who are newly ennobled; but there are, unfortunately, other most mischievous elements, destructive to the whole, as for instance all those bankers who buy their letters-patent from some bankrupt Prince. On the other hand, the politically active minor nobility is still an important factor in the State, and Prince Bismarck once truly remarked that all foreigners envy us the possession of it. The modern history of France affords an absolutely terrifying example of what may become of a country without a nobility in the political sense. Can the Swiss rejoice in sober earnest over the

fact that their old and famous families have disappeared more and more, and their places filled by railway directors? In every State there must be one class which is actually at the top, and the very worst for that position is undoubtedly the aristocracy of the purse.

It is peculiar to the Italian nobility to have become urbanized. In Piedmont alone do we find a territorial aristocracy, of valiant fighting stock. In the rest of the peninsula the nobility are town dwellers. The development of city life upon the soil of the old Roman City State was so vigorous even in the Middle Ages that the nobles migrated to the towns. Innumerable dukes and marquises hold municipal office, in Rome it is the rule for the Mayor to be a Prince or a Duke. The aristocracy have accustomed themselves to a town life, and derive from it their peculiar position. With the exception of the Piedmontese they have no military distinction, but are very closely bound up with the civilization of the country.

Very often the nobility have proved themselves a protection for a nationality in its struggle with other nationalities. Take the situation of the Saxons in Siebenbürgen. They are the best of the Austrian Germans; it is a pleasure to associate with them. They have the great advantage of being Protestant, and they are far more intimately linked with the real German life than are the Austrian Catholics. Their weakness lies in this, that they are only a middle class, worthy farmers and citizens, professors and pastors, they lack the masses with their fertility

below them, and above them they lack the nobility. Hungary is aristocratic, and the Saxon counts cannot compete with its great territorial magnates.

The history of our Polish neighbours shows us, on the other hand, how very rarely the nobility can control the Government entirely. This can only happen in such city states as Genoa or Venice. A nation of knights cannot exist, at least not in this hard-working modern world. Leaving its other transgressions out of consideration Poland came to grief because it had only nobles and no middle class. Its restoration could only be thinkable if a real middle class were to arise within it, for otherwise a healthy and vigorous national life is not possible.

The Turks to-day are as little a nation in the modern sense as were the Poles. In itself this people is not aristocratically organized. Islam knows no class distinctions, but in contrasting themselves with the common herd of the Giaour, the Turks compose a solid little aristocracy, and will, as a rule, pursue no avocation but that of the soldier or the priest. For this reason the retreat of the Grand Turk across the Bosphorus is only a question of time.

The despotic nature of the Russian State has given its nobility very singular characteristics. Despotism is the natural enemy of all aristocracy of birth, therefore it desires to establish a State-recognized hierarchy and no other, as has been done in China with complete success, for there the State acknowledges only those divisions of

rank which it has itself decreed. So it is in Russia. The whole middle-class population is separated into an order of ranks created by the State. An aristocracy of birth is also recognized, there are besides a few Boyar families of colossal wealth, and, in addition, a crowd of newer nobility, of very doubtful origin, who have worked their way up by Court favour. The nobility of birth, however, must be continually employed in the service of the State. A family which has not held office in the State for two generations loses its title to nobility. Every well-born man in Russia has his name put down as attached to some administrative department, and goes there to drum on the window-pane whenever it suits him. There is no real nobility, for an independent class, founded upon birth alone, without rank acquired by other means, is not recognized by this despotism, in which adventurers and upstarts find their happy hunting-ground. Petersburg is democratic in character, there is no place where birth counts for so little, but it is an equal servitude, not an equal freedom, which prevails there. The power of the Czar wields its unlimited sway over every subject.

Let us now turn to the middle class, the so-called Third Estate, upon which the real national strength of every people reposes. We may say that the political capacity of the nation is particularly displayed in its nobility, but that its civilization in the ideal sense is as a rule incorporated in its middle class, and the bulk of its practical work as well. Upon the strength of this class, then, the social well-being of the

nation depends. Literature has appertained to it at all times, although the Russian poets form an exception; they were almost all aristocrats, because no real middle class exists in Russia. A truly national literature must spring from the heart of some broad group of the people, and since culture is inseparable from literature and art, these have always found their home in the middle class. No one can place much artistic creation to the credit of the German nobility, although we have at all times had men of learning, poets, and artists drawn from the aristocratic class. The bourgeoisie may pride themselves upon their long-standing pre-eminence in these spheres, and further in that economic activity, which is indeed directed towards gain, but not in such a manner as to absorb the whole of a man's soul and strength.

The middle class, then, is a valuable possession for every nation. Germany may truly say that her own is relatively the soundest, although it is self-centred in a way which is often very harmful politically. It is all too easily inclined to believe that it alone constitutes the nation. Its newspapers usually overlook the fact that there are other classes and higher ranks. They will consider no opinions but their own, they believe in the exclusive power of the forces intelligible to them in political and social life, and they are consequently often deceived about the ideas which are really circulating among the masses. At the time of the conflicts over the Constitution, the newspapers, with the exception of the *Kreuz-Zeitung* and one or two State journals,

all agreed in declaring that the people were filled with dislike of the King, and that Revolution stared us in the face. Yet this was a glaring error, and the journalists failed to see it because they only thought of the social circles to which they themselves belonged. The mass of the population was quite untouched by the parliamentary struggles of that year. Thus the middle class can be completely mistaken about the temper of the country. Its patricians, like those of the Netherlands, cherish a deep contempt for Hodge.

Their virtues are best displayed when they do actually stand between the ruling class and the masses, "ὁ μέσος βίος," as their great admirer Aristotle called them. So soon as they become rulers themselves they cease to be the middle class, and inevitably they begin to degenerate, as we see from the example of France under Louis Philippe, and still more under the present Republic, in which the middle class aristocracy of wealth has entirely swamped the old aristocracy of birth.

When we come down to the lowest stratum of society, in modern parlance the Fourth Estate, we find ourselves confronted with a remarkable phenomenon. These broad masses of the population contain on the one hand the worst elements in society—and this cannot be otherwise, for in every well-ordered community there must be an undermost layer which contains everything that cannot maintain itself on a higher level—and yet from this same class springs the rejuvenating and revivifying force of every nation. Every

people renews itself from beneath; the worn-out elements sink back, the new young ones rise upwards; hence comes the tangled interaction of class upon class. No one knew this better than that great man Goethe, whom the narrow-minded Liberals persist in calling an aristocrat. If true democracy consists in love of humanity, Goethe was a democratic poet indeed. How true is his saying that "those whom we call the lower classes are surely the highest in the sight of God." In simple conditions of life good men attain to a naïve strength and purity of sentiment which so often eludes the culture of the educated.

Long ago Aristotle defined the position of this class within the State in words essentially true, though tinged with the hard-heartedness of antiquity. "They are content," he said, "when they are permitted to busy themselves with their own affairs." To win their bread by the sweat of their brow is the most vital interest of these labouring masses. They strive to put themselves in a tolerable economic position; the ideal which they are capable of shows itself in two directions: a deep religious feeling and a delight in warlike heroism. Who can think of Jesus or of Martin Luther as other than the child of humble parents? Religious genius such as this is only to be found among the lowly born. The aristocrat must do violence to all his conceptions of life before he can gain the conviction that we are all children of God, but it will be strongly felt by the meaner folk if their sentiment be sound and healthy.

The common man possesses also a sturdy, honourable, warrior spirit; the joy in heroic deeds runs in his blood. When we seek for the real popular heroes in history we find that the very highest meed of fame of which tradition loves to tell has fallen to the share of the heroes of war and of religion. Compared with them the statesman proper will never be popular. There is only one exception to this rule, and that one is more apparent than real. It is Prince Bismarck. But he lives in the imagination of the people as a soldier hero, as the iron man in the yellow collar of the Magdeburg Cuirassiers; the fancy of the populace pictures Moltke and Bismarck together as the leaders in the wars against Austria and France. Otherwise it is universal that the leaders of war and religion are the only really popular heroes, and that knowledge carries with it the key to the treatment of a discontented populace. The first step must be to appease economic anxieties, the second to work upon the oppressed spirits by inspiring them with all the strength of hope which religion alone can offer. The manly courage and religious sentiment which are powerful among the common people must be fostered and inculcated in every possible way. For this end a national army is a true blessing. Religion is to no one more indispensable than to the low-born man. The educated agnostic is aware that he must not transgress the moral law, but the uneducated will lose all sense of morality along with his faith.

Our middle classes to-day are labouring under a widespread and absurd delusion that the

masses can be helped by a so-called education, offered to them in the shape of public lectures. The man of the people does not as a rule possess either the leisure or the freedom of mind to assimilate intellectually the totally unsystematic and disconnected series of discourses which are put before him. They merely teach the masses certain phrases and catchwords, which they repeat blindly and without reflection, only half understanding them, becoming more and more discontented the more they take on the semblance of education.

It is infinitely more important to promote the economic welfare of the common people. Their sensitiveness on the subject of every legal inequality among men and the pride which the humblest among them feels must be respected in every way possible. How many examples in history admonish us to use tender and considerate treatment towards the lower classes; we have only to think of the reckless affronts heaped upon them during the reign of Louis Philippe by the French bourgeoisie, who hated and maltreated the people, whom they looked upon as *les classes dangereuses.*

It is an arrogance of education and a misunderstanding of real facts to regard this whole stratum of manual workers which we call the Fourth Estate as if it were one homogeneous mass. It falls into two quite different categories, which are almost opposed to each other in feeling: the town workers and the country population. It is one of the greatest tasks of the social reformer to grasp thoroughly the nature of the

difference between these two. It is evident that the peasant proprietor belongs to the class, even if he owns a large estate; for the test is manual labour, and the words "in the sweat of thy brow shalt thou eat bread" apply still to him. He still feels himself directly dependent upon God; no calling requires the favour of Heaven as much as does his; and this fact strikes the keynote of the sentiment of the agricultural population. As a rule he will be conservative, steadfast to the tradition and faith of his fathers. Peasant risings and peasant wars are rare, but appalling in their ferocity. When slow, stolid natures are once aroused to fury and absolutely carried away by hate and anger they know no mercy. Their normal attitude, however, is that of a fixed attachment to the ancient customs transmitted from their forbears. We know besides that a healthy-minded peasantry exhibit class-pride in a measure quite unknown to the professional man or the noble.

In contrast to them we have the mass of the town workers, inevitably unrestful from the very conditions under which they live. These conditions are in every way worse than those of the country folk, although they are unaware of it themselves. Like other countries, Germany is visited by that rush towards the great cities which was the ruin of the Romans. Once there, the labouring man falls beneath the influence of demagogues, and through superficial intercourse with men of education he falls a prey to the most dangerous kind of semi-education. A nervous excitement takes hold upon him, and he becomes

discontented and embittered against the upper classes. The totally unnatural manner of life, the material conditions so unfavourable in the towns in comparison with the country, all tend to make the city population radical in feeling, and our modern credit conditions are such as to make the way easy for revolutionary ideas.

True as all this is, it must not lead us to any false pride, for in many ways the simple directness of the lower classes reaches more nearly to the truth than do the opinions of their social superiors.

X

RELIGION

It now remains for us to examine the great religious, artistic, and economic problems which it is the aim of human society to solve, and to define the attitude of the State towards these various activities of civilization. The present chapter will deal with Religion.

The first difficulties in the relation of the State towards religion arose with Christianity. The antagonism between the two remained veiled so long as the nations of antiquity failed to comprehend the real essence of religion. Ancient religions were all national, a fact which involved the fusion of the sacerdotal and the kingly office in one person. At the same time the States of antiquity do reveal faint tendencies towards a separation between the spiritual and the secular power. In the old tradition of Calchas and Agamemnon we seem to hear the first mutterings of hostility between Church and State. It is the privilege of genius to discern the future dimly across the barriers of the present. Thus Aristotle says most characteristically that the priestly offices are something different, which must in theory be placed beside the political

offices. This "ἕτερόν τι" is very significant. He has the vague foreboding that priest and archon are not the same, but he fails to find a clear distinction.

What was latent in the antique conception of religion inevitably took shape when with Christianity an independent, and predestinately universal Church arose. From then onwards the legal and political relations between State and Church became difficult. For us, children of an age which has partially recovered the religious sense, the dry rationalism of the eighteenth century can no longer suffice. Kant defined religion to be the discernment of all our duties as divine commands. On closer scrutiny this saying will be found to bear the stamp of that restricted mentality which is, after all, characteristic of the eighteenth century. Religion is not essentially discernment. Women have always been more inclined to piety than men, without possessing a greater degree of discernment. Preachers who use reason as their weapon are condemned to failure. Dull sermons may deter clever people, they may destroy, but doctrine alone can never build up. Schleiermacher went far deeper than Kant when he said that the essence of religion is to be sought in the creature's sense of dependance upon the Creator. This vaguer but wider conception of religious feeling touches the root of the matter, for all religion is, in fact, something mysterious and indefinable. Even this, however, does not exhaust the content of religion, for this bare sense of dependance reduces it to something servile. To it must be

added the no less essential consciousness of our sonship with God, and our relation to the universal whole; the knowledge that while we are dependent upon God, yet no hair of our head can be touched against His will.

When we envisage things thus it becomes clear why the realm of religious sentiment must be so widely severed from the harsh atmosphere of political life that no complete harmony can ever be established between them. Religious truths are truths of the spirit, more real than any others to the believer, but for the agnostic non-existent. The promises of religion are particularly accessible to the hopefulness of youth and to the calm contemplation of old age, while to feminine natures the gnawing discontent of a life without these comforts is insupportable. In the life of the State, however, the final decision lies with the men; they are the rulers. The State is not governed by sentiment, but by clear, calculating knowledge of the world. Religion takes account only of what it believes, the State only of what it knows. In the commonwealth of the Church, the subjective conviction of devout consciences is all that counts. The ideal of government for a Church is a republic. Its constitution must be such that the changing convictions of its members can find expression, and in this respect also the Evangelical Church has the advantage over the Catholic.

In the State the contrary is the case. It represents power first and foremost, and its ideal is incontestably a monarchy, because in this form of government the power of the State is

most clearly defined and finds its logical expression.

In every Church there is a certain tendency towards fanaticism and intolerance, since each one must necessarily believe that it alone points the way to salvation. Religious faith must be positive; there is no more a natural form of belief than there is a natural language. Pure abstraction satisfies the religious man as little as it does the artist; he demands the most definite embodiment of his ideal; he asks for a concrete God made flesh, for means of salvation, and for a revelation. Only as exceptions do we find really pious men who make no definite profession of faith,—such as Milton or Emanuel Geibel, who cried out in complaint, "The forms of this Church, O Lord, no longer grasp Thy mystery." Luther's intolerance and harshness towards Zwingli in Marburg has done much harm to the Evangelical Church, and decided the cleavage between the Lutheran and the Reformed Churches, which lasted for centuries and counted for so much in our history. Yet it was on this very account that Luther in Marburg appears as so great a figure. Place him beside Melanchthon, and it is clear how, although Melanchthon had the freer and the more tolerant spirit, Luther was the greater champion of the faith. In articles of faith there is nothing small and nothing great for the spirit of man. Therefore, hand in hand with religion walks fanaticism, that is to say, the feeling of hatred towards the adherents of another belief. That which is to the believer the most certain subjective truth, to the un-

believer is delusion and deceit. Hence it comes that religious conferences have never led to an accommodation; and here also lies the explanation of why it is so difficult for the founder of an alien religion, like Mohammed, to obtain his due. It is extremely hard to make a devout woman understand that this great historical personality was no deceiver, but a divinely inspired Prophet. The essence of faith lies in the form of the conviction; it is possible to alter the conviction but not the temperamental attitude towards it. On this attitude all depends. Religion is a matter of inward experience, its kingdom is among the deep abysses of the human heart.

The State cannot build up these secret forces of the soul, but it can disturb them, and therewith the series of conflicts begin. Every religion strives for companionship, it hates loneliness, as Schleiermacher says. It seeks after a common worship, common means of salvation, in short, it seeks after a Church. Therefore every religious community must concern itself with the world of will in its exterior manifestation and with the world of law. All attempts to limit the sphere of the Church by appealing to the words, "My Kingdom is not of this world" are met by the ever-recurring interpretation of this profound saying: "non est hinc, sed est hic." The Church is not of earthly origin, but she does live and work upon earth. Her activities must be amongst the human community living under the reign of law, and as she takes her stand upon principles utterly different from those which

govern the State, it is evident that perfect harmony can but rarely rule their relations. We may leave it to pedants to quarrel over which of the two morally stands higher. Certain it is that both are morally necessary, but nevertheless, politically speaking, the Church, like everything else, must be subject to the State. Here we have the eternal contradiction of two powers with an equal sense of sovereignty standing in perpetual relation of supremacy and subordination to one another.

Their mutual position, then, is inherently irrational and difficult. The end of all friction between them would be a sign of the stagnation of one or the other. Problems concerning the marriage law, education, and the oath touch them both equally. In these regions rectification of frontiers must often be required, and can be undertaken by the State alone, although the Church has interests which must be carefully guarded. Legally speaking, the State has the *jus circa sacra*, that is to say, the supremacy over the Church where legal questions are involved, whereas the Church has the *jus in sacra*, or the definition of dogma and the ordering of ritual, etc. The relations between the two, however, are not so simple as they would here appear. The State may frequently be obliged to decide even questions of dogma; as in the case of the old Catholics, who believed themselves entitled to reject a new dogma, although the first principle of Catholicism is submission to the See of Peter.

We are here face to face with one of the

most complex of political problems. The State can and must ensure freedom for conscience, but it must exact in return unconditional obedience to its laws. It is not permissible for any one to make his religious convictions a reason for disobeying the law or neglecting his duty as a subject. A State decreeing monogamy must punish Mormons as immoral polygamists. Similarly it cannot tolerate the resistance of the Mennonites against military service or the taking of the oath. The State cannot dispense with the oath, inasmuch as faith in God is the foundation of legality. From the standpoint of the State, atheists, strictly speaking, are an anomaly.

A nation without religion has never existed, nor ever can exist. We are a Christian people, for our slight admixture of Jews counts for little. The consciousness of national unity is dependent upon a common bond of religion, for religious sentiment is one of the fundamental forces of the human character. Jewish pretensions first tampered with this truth by interchanging the conceptions of religion and ritual. Ritual differences may indeed be endured by a great nation, although with difficulty—how much blood has been shed for their sake in Germany !—but the coexistence of several religions within one nationality, involving an irreconcilable and ultimately intolerable difference of outlook upon life, can only be a transitional phenomenon. Spain was not a nation until Christianity had conquered and driven the adherents of another faith into a corner. Our State is the state of a Christian people, therefore in the regulation of civil life it

presupposes the Christian Church to be the Church of all.

In spite of this it is unsafe to speak of a Christian State, for the State is by definition secular, and must be just to all its citizens, regardless of creed or cult. The Constitution knows nothing of an established Church, and with good reason. If the State has a religion, and sees therein a proper sphere for its activities, it can never be just to dissenters. To label a State as Christian cannot fail to lead to danger, since it encourages the belief that it derives its claim from the Church. If for no other reason this designation would be improper, because a universal Christianity has given place to a multiplicity of Christian sects. Consistency would require us to go further, and demand that the State should adopt a dogmatic faith.

Yet, for all this, Church and State are most intimately bound together, since ultimately both of them are vehicles of education for the human race. The whole of our moral civilization in Germany is founded upon a splendid threefold thought. There is the early Christian Israelitish idea whose keynote is self-negation; there is also the moral conception of antiquity, with its notions of self-assertion; and thirdly, there is the old German way of thinking, which unites a strong tendency to self-assertion with a sensitive feeling of honour. We could not take away one of these three elements without ceasing to be the Germans that we are. Which has done the most for the future of the German race, Boniface or Charles Martel ?

In order to ascertain the normal relations between Church and State we must take a brief survey of the legal aspect of the question. We can distinguish three kinds of association, each of which stands in a separate position with regard to the State. Firstly, there are purely private societies, tacitly permitted by the State, but lacking legal status. No association or company, as such, has any legal personality; if it incurs debt, its members are individually liable. Such a society may, however, obtain from the State the rights of a legal person. It is then, in its collective capacity, able to own property and contract debts, but, in bestowing these rights, the State does no more than acknowledge the harmlessness of the society in question, whose assets it considers to warrant this degree of recognition. Secondly, there are corporations which the State endows with privileges because their moral aims are identical with its own, and are therefore regarded by it as indispensable. A State founded upon Christianity must regard the Church as a corporation whose tendency bears an intrinsic affinity to its own, and which it is obliged not only to recognize but to favour. In return for certain privileges, such as ensured freedom for public worship, endowments, and the partial recognition of the clergy as public servants, the State is bound to claim a right of supervision, which it may never abandon, and which does not originate in fear, but in that reverence which is due to the Church from every civilized State.

We can discriminate six principal forms which

the relations of Church and State have assumed in the course of their history.

The first is Caesaro-papalism. Antiquity, as we know, looked upon Church and State as one, and it was inevitable that in the transitional period the Christian Church should reflect this conception. Her recognition under Constantine resulted in the application to the Church of the old pagan powers, to which she accommodated herself with consummate worldly art. At first the Church had been indifferent, or even hostile to the State, but after the conversion of Constantine the clergy began skilfully to adopt the forms of the Byzantine bureaucracy, and borrowed an order of precedence, ever since known to posterity as the hierarchy. This was the genesis of Caesaro-papalism, which denies the right of independent existence to the Church, but claims its complete identity with the secular power. Its early manifestations were unlovely. Constantine himself, who was no saint, but rather a gross sinner, was not baptized until shortly before his death. The fundamental dogmas were therefore established by Councils convened and ratified by a Pagan. These facts should not be passed over in silence; it should be made a subject for admiration that Christianity was able eventually to recover from this profanation in her ecclesiastical ordinances. Once elevated to the rank of a State religion, the Church inevitably meddled with politics and the State with doctrine, both organisms thus betraying their own essential principles. The blue and green factions in the Circus at Constantinople came to blows over

the question of whether Christ's humanity was entirely absorbed by His divinity, or whether both natures in Him, although perfectly united in one person, yet remained distinct. The notion that it was the State's function to nominate the gods was so deeply rooted in the antique world that the new universal Church could scarcely repudiate it. The inherent contradiction in these conditions was forcibly smothered by the complete unification of Church and State.

To most Christian peoples the heathen idea of making the secular and spiritual spheres coincide is an anachronism which has been long outlived. To the pagan East religion is a command, to the Christian West it is a joyful message. This distinction is almost universally accepted, for there is only one semi-oriental State where Caesaro-papalism still flourishes. But even in Russia the tendencies of modern Christian thought have made it necessary to recast the old system of Constantine in new forms. The educated Russian will not even admit that it still exists. I once spoke on this subject in Heidelberg in the presence of a distinguished Russian statesman. In a letter to a French newspaper he declared my theme to be based on German prejudice. In theory the Russian Church is indeed subject to the Holy Synod, which is an assembly of ecclesiastical dignitaries whose authority is nominally independent and supreme. Amongst them, however, sits the Imperial Procurator, who, in the words of Peter the Great, must be a strong man, able to keep the priests in order ; cavalry generals were usually preferred

for this post. To all outward appearance the only function of this Imperial officer is a general control, but any one familiar with Russian conditions knows that nothing is done without his unqualified approval.

Thus Caesaro-papalism lingers on, chiefly because it is representative of Russian modes of thought. The popular consciousness fails as yet to distinguish spiritual from secular things, it weaves them into one fantastic whole. The passive courage of the Russian in the face of death is inspired by his conviction that he fights always in a Holy War against the infidel. He, like the Mohammedan, sees the glories of Paradise opening before him when he falls in combat with the unbeliever. As late as 1848 we may read in an official proclamation, "Oh, ye heathen, submit yourselves to Holy Russia." We must not be misled by this false peace between Church and State, devitalizing to both by leading them from their true vocation. The Russian Church says: we define no more dogmas, therefore we can live in amity with the State. In the West we decline with thanks the offices of a Church whose dogmatizing days are done. The evolution of doctrine must go forward, and is in a constant state of development, even in the Catholic Church.

The Catholic Church has at all times striven for a system which in theory is contradictory enough: the subjection of the State to the Church. This may be traced back through the centuries ultimately to St. Augustine and his book, *De civitate Dei*. The importance of this

magnificent work in its bearing upon the mediaeval theory of the Universe has not even yet been sufficiently recognized, for in it is set forth for the first time a doctrine which has been the groundwork of all canon law up to our own day. According to it the Church, for the believing Christian, is the only State. The secular State stands alongside it, but it is a kingdom of the flesh and the devil, and can only justify itself in the eyes of God by lending the support of its powerful arm to the true State, the *civitas Dei*. The Emperor is the *advocatus ecclesiae*. This is to be understood literally, therefore the Church remains mistress. The theory was further amplified in the course of the Middle Ages by the well-known papal doctrine of the two swords. The State, for its part, attempted to exercise a certain supervision over the Church which was so much dependent upon its assistance, but it was only towards the end of the Middle Ages that a State whose organization was particularly strong succeeded in asserting successfully the independence of the secular ruler from the Pope.

The intellectual superiority of the mediaeval Church helped to maintain its position. In the Middle Ages the State was not the principal vehicle for the education of the human race, for the Church took over those tasks, to which the State's youthful strength was not yet equal. The mediaeval State was often incapable even of maintaining the public peace, and the Church would be called in as a mediator. Again and again we come upon the words, *deo regnante rege exspectante*, in proclamations in the south of

France, long after the descendants of Hugh Capet were seated on the throne.

At that time, then, the superiority of the Church over the State was neither inconsequent nor unnatural. It met, however, with the opposition of every sound secular State. There was everywhere an instinctive conviction that the State must be sovereign, and the Middle Ages were in fact a period of perpetual conflict between the pretensions of the Church and the impulse of self-maintenance in the State. Then, in France under Philippe le Bel, the State stood up against the claims of the Pope, and denied his right to interfere in the kingdom's affairs. When our Emperor Louis the Bavarian carried on the struggle in the fourteenth century, the Ghibelline writers came forward to prove positively that the State is an independent organization, being the people who appoint their own sovereign subject to the approval of God. In the freedom which followed upon the great deed of Martin Luther the old doctrine was broken with for ever, and not in the Protestant countries only. It would, of course, be impossible to make a Spaniard understand that Spain owes the independence of her Crown to Luther. Yet it was he who first gave utterance to the great thought that the State is in itself a moral organization, which need not rely upon the supporting arm of the Church. In pointing this out he rendered the greatest of all his political services.

All attempts made by the Catholic Church to refute this principle have hitherto been fruitless, even although echoes of the old teaching of the

civitas Dei still sound through modern history down to our own time in the immorality of the Concordat. If the State is sovereign it can allow no other body which is subject to its supremacy to treat with it regarding the limitations of its own power. It may accord far-reaching rights to a Church, but must remain the arbiter of what those rights shall be. A Concordat is a treaty of one power with another, but the State must not permit the Pope of Rome to meddle with its authority. It must, to borrow a phrase first employed by Bismarck in a less serious connection, keep its hand upon the lever of legislation. Further, the Curia cannot avoid deliberate dishonesty in concluding such compacts. Both parties take up totally divergent moral standpoints. No special blame should be imputed to the good old man now imprisoned in the Vatican, but the Roman Curia must be by its very nature insincere. Since the Church is the City of God, the Curia looks upon all agreements as favours or concession which the Pope, the rightful ruler of the world, grants by way of exception to the erring sons of men. As it has always been held that such concessions and favours can be cancelled, it is useless for the Ultramontane Press to seek to hide that a State which allows itself to be inveigled into a Concordat is necessarily the victim of duplicity and risks being forced into a position from which it can only withdraw by subterfuge or equivocation. Thus when Bavaria concluded its Concordat with the Papacy in 1817, the Government found its hands tied by its own

act. This position very soon proved intolerable and aroused the instinct of self-preservation. A religious edict of contrary tenor was drawn up, and published as an appendix to the Concordat.

The Austrian Concordat of 1855 shows to what lengths the Roman Curia will proceed when given a free hand. It is an instance of the most extreme surrender of the secular authority to Rome, and marks the climax of reaction. By it the Bishops were exempted from the civil jurisdiction; they took their oath of allegiance to the Emperor, *ut decet episcopum.* Even the Universities and the Press were placed under episcopal control. How could it be possible for the modern State to allow such interference in its own proper domain? The general summary of the situation is that the normal subordination of the State to the Church ceased at the Reformation. An additional reason why it is no longer possible is the variety of different persuasions within the Christian Church to-day. Where several exist side by side the State cannot adopt one of them as its own.

After the mediaeval Church had procured the acceptance in theory of its world-empire, and asserted its practical supremacy over Western Europe, the resounding act of Martin Luther reawakened the inborn impulse of self-defence in the secular power. State-supported Churches were everywhere established, which at first sight bear a superficial though imperfect resemblance to the Caesaro-papalism of Eastern Europe. The temporal State put forward no claim to be deified, but became aware of its civilizing mission

although with all the narrowness characteristic of new movements. This claim of the State was thus formulated by Melanchthon; the duty of the secular sovereign is the *custodia utriusque tabulae*, therefore also the guardianship of the first Table of the Law, which contains the duty of man to God. To preserve and uphold this pure doctrine of God and the things of God is one of the fundamental duties of authority.

From this it follows that the sovereign is the head of the Church, and must himself conform to the true faith, moreover that unity of belief is the natural aim of all political life. The French summarized these principles in the phrase, *une foi, une loi, un roi*, while the legal maxim in Germany is even more apt: *cujus regio, ejus religio*. The system was developed in England in its most consistent, and also its most unattractive form. At first the spiritual movement such as we had in Germany was completely lacking; later, when it really came, it manifested itself among the radical sects, the so-called Dissenters. The real force of Protestantism lay with them, and they kept it through the centuries. It was the Puritans who kept England from falling back into the old system once more. Later the clergy of the Church fell into two divisions: those who toiled, and those who held fat livings. All the higher offices fell to the share of the sons of good families, while the minor clergy had no prospect of attaining to these benefices. To every other of the abuses here displayed attendant upon a State Church we must add the crying maltreatment of Ireland

where everything was sacrificed for money and dominion, and one injustice heaped upon another, in that the Irishman, although a Catholic, was forced to pay tithe, and be nominally a member of the Anglican communion.

In like manner the Church in France, as developed by its connection with the State after the Reformation, has many sins upon its conscience. It was, as we know, the servility of the Gallican clergy, reduced to the level of ecclesiastical civil servants, which, notwithstanding the opposition of the Pope, brought about the expulsion of the Huguenots. The consequences of this crime are still clearly to be seen. The blind admirers of the French Revolution forget that in spite of it Protestants in France are still not allowed churches (*églises*), but must call their places of worship "*temples*"; and are regarded by the law as idolaters. In Italy, the first paragraph of the Constitution, although practically void, enacts that the Church of Rome shall be the Church of the State. These are proofs of how deeply the Concordat system has struck root in Europe. The first Catholic Minister in Prussia was appointed in 1848, the first Protestant Minister in Bavaria in 1847.

The presupposition underlying the union between altar and throne was that there should be practical unanimity of belief throughout the country. The system broke down as soon as a variety of persuasions arose, counterbalancing each other. The religious treaties of Augsburg were tolerated in Germany because the country was broken up into Catholic and Protestant

territories of various types, and it was possible to move from one to the other at will. But these liberties did not suffice to avert the tumult of the Thirty Years' War. The Peace of Westphalia brought some improvement, but did not abolish the divisions between the Catholic and Protestant classes. The belief of a particular district was held to be the same as that of its reigning family, and therefore the old principle of *cujus regio, ejus religio* could not be more definitely recognized than in the Peace of Westphalia. A Protestant princely House was a member of the *corpus evangelicorum*, no matter what creed its subjects professed.

Prussia was providentially placed in the unique position of possessing a dynasty which adhered to the faith of a small minority. Since the time of John Sigismund the Hohenzollerns were followers of Calvin. Prussia had broken the old tie between Church and State long before the French Revolution attempted to do so; afterwards it became untenable everywhere. Since then we find three kinds of policy with regard to the Church: firstly, to treat it purely as a private society; secondly, to admit its existence side by side with the State; and thirdly, to insist on the supremacy of the State in matters ecclesiastical.

The "voluntary system" of America treats the Church exactly as it treats every chess- or dancing-club. In the law-courts the clergy are on the same level as a railway director; the churches are places of public assembly merely; the State asks for no rights of supervision over them, and allows them to exist upon the same

footing as other private associations. This is all in accordance with the American Constitution, under which the State is more a free association than a compelling authority, and is no more than consistent in regarding the Church in the same light. It was also the view taken by the radical English sectarian founders of the Union. The idea was in the air, and when the young State came into being its powers were very strictly limited. Its life had to develop through countless voluntary associations and assemblages of its citizens, and the Church's position is analogous.

In America then, the voluntary system is possible, and, to a certain extent, beneficial. In Europe it would be a total contradiction of all historical tradition. Here we have a test of the really capable politician, who does not read his own theories into history, but seeks rather to found them upon actual facts. In so doing, he would see that our ancient Church in Europe could never be treated like this or that club, and that any attempt to humble it to so lowly a position would work havoc, especially with the Church of Rome, which is essentially founded upon visible power. In America, however, this danger has been pretty well guarded against. Religious zeal is there one of the few idealistic influences which counterbalance the unresting instinct of commerce. The men who are dollar-hunting from Monday to Saturday, leading a life unworthy of a human being for six days on end, keep the seventh after the fashion of the ghastly English Sabbath, as a day of completely unintelligent repose. Thus, we see the Church leading

a life of unruffled calm, and in receipt of huge sums of money. The voluntary system is here a natural growth, and the American habit of forming associations is so all-pervading that even the Roman Church has accommodated itself to it, for the Catholic communities are in essence autonomous, only holding by the old Church in matters of dogma, and in this Rome has been wise enough to acquiesce. The Pope has the gratification of seeing his Church making gigantic progress, and, despite the freedom of its constitution, remaining devoted to him heart and soul.

On the other hand, we find in America religious hatreds and jealousies which would be absolutely unbearable to us Germans. Innumerable little sects squabble with one another over indefinable dogmatic subtleties. In Germany we could not sever the sphere of religious morality so completely from our working life; such doctrinal quarrels would shatter our national unity. If, for instance, the Evangelical Union were dissolved we should instantly break up into countless sects, who would create continual disturbance of the public peace. In spite of much declamation on the subject no attempt has yet been made to introduce a purely voluntary system on any large scale into Europe.

On the contrary, a system of dual control has lately been advocated by the Ultramontanes under the title of ecclesiastical liberty. Of this, Belgium offers us a terrifying example. Her Church and State are absolutely co-ordinated, the clergy are richly endowed from ancient

Church property which has been secularized, their churches are recognized as places of public worship, privileges of all kinds are accorded to them in civil life, and yet this Church is not called upon to submit to any supervision on the part of the State. The relationship is one of co-ordination, which it is easy to prove wrong in its very foundations, for in accordance with the principle of no rights without obligations the State must, when it bestows privileges upon the Church, reserve the power of calling it to account for its stewardship. Should it neglect to do so, the results are what we see in Belgium to-day. In this country of a most ancient civilization, which boasted a thriving weaving industry as far back as in the days of Caesar, more than 50 per cent of the population can no longer read or write, and the ignorance of the people increases by leaps and bounds. These are the consequences which follow when the State lacks courage to exercise a strong supervision over the Church; and since there is in Belgium practically only one creed, the further result is the uncommonly odious struggle between the confessional and the masonic lodges. The matter in dispute is the foundation of all civilization, for it is the question of whether the ideas of the thirteenth century shall prevail over those of the nineteenth.

The explanation of the whole system lies in the melancholy history of Belgium. The country was devastated by the Spaniards, after the golden age of its free cities, and then two centuries ensued of a raging conflict between the priesthood and the Protestants of Holland. The unhealthi-

ness of party life in Belgium to-day is the consequence of the existence of two independent powers within the State, or, in other words, of the higher power abdicating its superiority.

Prussia made what was undoubtedly one of the greatest mistakes in her history when she was tempted by the religious toleration which followed the year 1848 to imitate the example of Belgium, at any rate partially. The fathers of our Constitution are Benedict Waldeck, a man at once radical and ultramontane, and his great following of Rhenish jurists with Belgian sympathies, who were Liberals in politics, but in ecclesiastical matters thoroughly clerical in their views. Among many other plagiarisms from the Belgian model they took the preposterously ambiguous clause which laid down that the churches of the country should manage their own affairs. The dominion of the Roman Church over the Catholic provinces of Prussia was demanded in the name of freedom, and, sheltered by Frederick William the Fourth's strong Catholic leanings, a systematic violation of the law began. Even as there were many Liberals who pronounced that learning should be free, so did the clerical party contend that they were at liberty to organize their own Church without interference. Nevertheless this clause in the Constitution had not abrogated the Prussian provincial law and other enactments, yet in spite of them one cloister was founded after another, until after the year 1870 the State was forced to revert to the old system of control which had subsisted since the reign of the Great

Elector. This was the great achievement of the May Laws.

Unfortunately it was very clumsily and inconsiderately carried out, and individual cases were unskilfully handled by our State, which has always been less adroit than the smaller States of South Germany in its dealings with the Church of Rome. The reason lies in a difference of personality, and depends in great measure upon the fact that our administration is always more Protestant than Catholic. The born Catholics understand the practical management of their own priests, they know how to apply the *reservatio mentalis*, while the over-earnest Protestant official is for ever striving after consistency in his dealings.

Thus Prussia has for many years pursued an unfortunate policy towards the Church of Rome, which on its side has not improved matters by detesting Prussia more cordially than any other State.

In spite of all this, however, and although unfortunately only tentatively and by way of experiment, we are now once more pursuing the correct policy of the supremacy of the State over the Church. Its principle is that the *jus in sacra* lies in the power of the Church, while the supremacy, the *jus circa sacra*, is the prerogative of the State. It may be called the German system, as it is in full operation in Germany, and, to an extent, in Switzerland also. It affords complete freedom for the individual conscience, but the Church receives privileges as a corporation, and is therefore to that extent

brought into subjection by the State which supervises and decrees its legal status in civil society. These measures are not dictated by fear of the Church but by reverence for it, for through them the State acknowledges an inward kinship with it, and recognizes its aims as congenial to its own.

Difficulties arise in the working of this system when it is applied to the Catholic Church, which considers itself a Church politically as well as ecclesiastically, and acts upon the principle of *extra ecclesiam nulla salus*, whereas the Protestant confessions regard constitutional questions as of secondary importance; they take their stand upon the Bible saying, "Where two or three are gathered together in My name, there am I in the midst of them." The importance attached to the hierarchy by the Roman Church greatly increases the difficulties of her relations with the State, and besides this, she poisons public life by unscrupulous use of demagogic methods. Just as the Curia in the Middle Ages controlled the mendicant Orders, and utilized them for its own ends, so at the present day it exploits parochial journalism. The Church of Rome has learnt with masterly ability how to forge its sharpest weapon against the State out of universal suffrage, and the liberty of the Press, which once it reviled and resisted.

The experience of Joseph II. teaches us that the State must not meddle with ritual or dogma, but even this axiom cannot be put into practice without grave difficulty. Ritual and dogma are liable to modification, even in the Church of

Rome, so that doctrinal dissensions will always recur. What course should the State pursue? It must concern itself primarily with externals, and with the question of whether the modification of dogma has taken place according to the prescribed method. This point arose at the last Vatican Council. It is untrue to say that the Old Catholics are the repositories of tradition, which has undoubtedly remained with the Roman Catholics. The delusions of Döllinger should not be trusted as evidence that the proceedings of this Council were more discreditable than those of the old Synods of early times, for these new dogmas were admitted only after technically valid voting. What more does Rome want? It recks nothing of conscience or conviction, but only demands obedience. Döllinger was always able to construct for himself a learned vision of the Church which was founded on theory and not on fact. Consequently he was always at loggerheads with Rome; he cried "*Pater peccavi*," but for intellectual men there is a limit to such repentance. The Roman Catholic Church has always maintained the old teaching of submission to Pope and Council, and to me as a Protestant it is a matter of perfect indifference whether one old gentleman is called infallible or four hundred old gentlemen. Had Döllinger been consistent he would have become a Protestant.

In all these matters Falk was incredibly misled; the foolish plan was adhered to of treating a handful of Dissenters as though they were the Catholic body. On this principle the

beautiful church in Wiesbaden was handed over to the small minority of Old Catholics, while the real Catholics built themselves a wooden Church next door, which was overcrowded every Sunday. This shows that the State must never pronounce on theology.

The most difficult questions arise for the State out of transformations of dogma. Since it, as a rule, provides or guarantees the stipends of the clergy, it may have to decide whether an ecclesiastic is to lose his benefice because he refuses to follow a change of dogma. Moreover it is important to remember that Church property legally belongs to the parish, and not, as the Ultramontanes would have it, to the Church as a whole. Therefore if it should happen that a whole parish were to secede from the Church, it would not be the duty of the State to arbitrate but to acquiesce.

Worship must be carried on in the buildings dedicated to it. If it attempts to court publicity it must be prepared for a rebuff from the authorities, for the State can only tolerate religious processions in public when the circumstances of the moment make them inoffensive. Catholic processions in ultra-Protestant towns can only be a challenge to the public peace, and Napoleon, with ready insight, forbade them wherever there was a Protestant "temple." His well-known decree, forbidding pilgrimages on a large scale as unseemly, also has a certain justification. When hundreds of individuals of both sexes spend the night together in the open excesses are scarcely to be avoided.

The State must not permit Church discipline to take the form of imprisonment or corporal punishment, with the exception of Houses of Correction for clergy who have been guilty of some offence. The Church inflicts its own penalties for many transgressions which are condemned by the secular law, but the State cannot allow this in cases which it has itself acquitted. Neither can it now countenance the greater excommunication, which involves the breaking off of civil intercourse with the excommunicated person.

The education of the clergy is a matter which properly concerns the Church, but the State must supervise it, if only for the reason that it provides the greater part of the wherewithal by instituting the theological Faculties. Training for the priesthood must not be permitted to begin in boyhood. Even the bigot Philip II. was an opponent of the seminaries for boys which arose after the Council of Trent. On the other hand the alarm which led to the suppression of the theological Convictoria was exaggerated. We need not suppose that a Catholic seminarist is any more free than he was under the Convictoria ; he remains as much under the control of his superiors, and has no opportunity of choosing his own studies. The State cannot exercise a direct influence over the interior life of the Church any more than over the domains of art and science, for the test of examinations does not help it much ; it is so easy to cram the required amount of knowledge without inwardly digesting it.

The State must keep a particularly watchful eye upon the religious Orders. Since it guarantees personal freedom for all its citizens, it may on no account permit any one of them to surrender his whole life to servitude by any sacred vow. No one can deny that a monk is a slave in body as well as in spirit, and therefore those teachers of Constitutional Law who carry the principle to extremes, lay down that all vows upon entrance to a cloister or an Order should be abolished. This is going too far, but the State should always remember that it only tolerates the existence of such Orders by way of exception, and that those of them which transgress the civil law, such as the begging Orders or the secret Orders like the Jesuits, should on the face of it be forbidden. Others which occupy themselves with doing good, like the Sisters of Charity, may be more mildly treated; they are too busy relieving misery to find time for the lust of power. Moreover the feminine spirit often feels the imperious necessity to seclude itself in an ideal communion with God. It is otherwise in the case of monks. We must remark at this point that the sturdy German nature feels less drawn than any towards the monastic life. The cloisters had their high place in history while they were centres of civilization and learning amid the rough and tumble of a newly settled land, but the days of monkery were already ended when the Reformation came; the sins of those fat paunches, their gluttony and tipsy ways, their laxity and laziness, were as well known as the narrowness and ignorance of their minds. It would be

difficult to find a necessity for their existence to-day.

The State cannot afford to surrender its share in the patronage of the highest offices of the Church. The episcopal function comprises the whole ecclesiastical jurisdiction, hence the inevitable demand of all European Governments for a voice in the appointment of bishops. Catholic princes make their own nominations, after consultation with the Curia, but the Pope has never yet made this concession to Protestant rulers. In this connection the State must particularly be on its guard against the list system. It is to the undying honour of Barthold Niebuhr that he preserved Prussia from this dangerous method of selection. In any case the State must reserve to itself the right to confirm the choice of the Chapter, and must furthermore demand the right to eliminate from the list of candidates the *personae minus gratae.*

A further point to which the State must direct its attention is the administration of Church property. It must be watchful that it is only used for ecclesiastical purposes, and also it must limit the extent of mortmain. The necessity for this has been perceived even in America. As the dispenser of justice the State must ensure that ecclesiastical property is equitably divided on the breaking up of communities, a task which is often difficult and can only be settled on the merits of each separate case. If a whole community forsakes one faith for another it takes its property with it. It is important to remember that death-bed bequests to ecclesiastical

bodies are null and void. The extortion-scandals, where the terrors of Hell were exploited to so much profit by the priesthood, cannot be too sternly repressed by the State.

The State may of course allow the Church to impose a Church Tax, on condition that it is only levied from members of its flock. It is an injustice that the Silesian Protestants under Austrian rule should pay towards the upkeep of the Catholic Church, and, conversely, that the Irish Catholics should be mulcted for the benefit of the Church of England.

Another important question, very difficult to decide, is how far the State can or should respect the preferences of the Church in matters of education. At the Reformation the temporal power took over not only the property of the Church but also her civilizing mission. The modern State has created the National schools, and thereby given proof that it is better able to deal with these problems than the Church. No more than a measure of co-operation can be conceded to the latter, since the State assumed direct control of education. The normal conditions in parishes of unmixed faith will be that the clergyman is a member of the School Board, but here again each case must be judged individually. The newspapers revel in ambiguities over this question of religious education; they see no alternative between religious schools and schools from which religion is altogether banished. It is totally forgotten that the Prussian Provincial Law, which also applies to the new Provinces, enacts that religious instruction should be im-

parted in accordance with the doctrine of a given persuasion, and other subjects are to be so taught as not to disturb religious peace. It follows from this that religious instruction in the National Schools is both compulsory and denominational. Heaven preserve us from the fashionable vapourings of the present day, which would fain prevent Protestant children from hearing of the glorious deeds of Luther, and would suppress all open and honest mention of Jesus Christ out of consideration for a few Jews.

It must be admitted that in parishes where no persuasion has enough following to maintain its own school, the only solution of the difficulty is concurrent teaching of different religions in the same building. Experience shows, however, that under these conditions the religious instruction is less adequate than in denominational schools ; it is often contended that mixed schools promote religious harmony, but in actual fact they are nurseries of sectarian hatred.

Schools, then, must remain secular, while the religious teaching they impart must be denominational. Every father has the right to have his children instructed in the religious creed of his own choice, but he is not entitled to allow them to grow up without any religion at all. When an adult declares himself to be no longer a member of any Church, the State which does not interfere with private conscience must acquiesce, but it does not do so in the case of children below the age of reason.

From this the delicate question arises of whether the State may require that even a child

of tender years should be made a member of a definite persuasion. Compulsory baptism has something so repulsive about it that the Church does not seek to enforce it by the help of the State. No doubt the unbaptized child, when it receives religious instruction, must become aware that it is not, strictly speaking, a Christian. When the Radicals of Bâle claimed the right to be confirmed without having been christened, they were talking sheer nonsense, for Confirmation is nothing but a reaffirmation of the baptismal vows.

Finally it still remains for the State to establish the proper procedure for the deposition of ecclesiastics, in as far as the matter concerns it. It must set up for this purpose an especial Court of Judicature, but it was a mistake of the May Laws to make this Court a tribunal selected for that purpose only, thus incurring the resentment of the Church from the very beginning, especially as partizan spirit dictated the choice of its members.

It would have been wiser to have chosen the Supreme Court (*Oberverwaltungsgericht*), as in France it is the Council of State, as the final Court of Appeal.

Conflicts between State and Church will never cease, because these two great moral forces of mankind move upon contentious ground, and also because the education of our time is essentially secular. Our theological Faculty at the present day, taken by itself, has not so much intellectual capacity as all the other Faculties taken together. Theologians must endeavour to keep pace with the researches of science,

although they may ignore the empty fancies of idle dreamers. The two Churches of Christendom stand once more in marked opposition to one another, but, in the worldly sphere at least, a reconciliation does seem possible between them. Here, above all, the victorious march of Protestantism stands out in the realm of science. We can safely say that in Germany every cultivated Catholic has received a certain amount of Protestant education. The achievements of Catholics have only been great in music and painting; we find that the great men of learning have been Protestants almost without exception.

Broadly speaking, Protestantism is the form of Christianity suited to Germany; the educated German Catholic stands nearer to his Protestant compatriot in his religious conceptions than he does to his Spanish or South American co-religionist. The Latin races are irresistibly drawn towards the Roman Catholic conception of Christianity by the innate turn of their minds, by their hierarchical instinct, and by the southern craving after beauty. In their hands the constitution of the Romish Church will degenerate more and more; the salvation of Protestantism, on the other hand, lies in the breadth of its sympathies. We have to thank the freedom and mildness of its rule for the system of our established Church, which is German out and out. That the bond between its various persuasions should be an enduring one is for it a vital question, and one upon which the Hohenzollerns have exercised a great influence, and finally consummated in the Union.

XI

NATIONAL EDUCATION

This theme, the education of the nation in science and art, and the attitude of the State with regard to it, arouses nowadays the gloomiest reflections, for the stupid self-sufficiency, which is almost the only failing of our present century, shows itself here in its ugliest light. Above all else it is clear that the State has little creative power over intellectual life, but is limited to protecting it and offering superficial assistance. Wise statesmen of the past have always recognized this. We might take as a motto for a really comprehending appreciation of national education the well-known saying of William Humboldt concerning the establishment of the Berlin University: "We merely appoint competent men and let them gradually fire the train." The image is a striking one, and to the point. All depends upon finding the men in whom the living spirit of learning throbs. It is true that the palatial gymnasia of to-day are more magnificently built than were those old boxes in which we used to receive our education, but then we learnt Greek and Latin thoroughly, an accomplishment now attained by few. Therefore we

must remember that although the State by its action can start and encourage, it cannot create. It is the same with art. If we try, as was tried in the seventeenth and eighteenth centuries in the name of the State, to instil a fixed and definite style into art, the result is only wooden and lifeless.

The second important point to be considered in the position of the State towards national education is that the Church on the one hand and the home upon the other have an equal right to claim a hearing. The history of education has always been closely bound up with the position which the Church and the family have held in the State. In the East the teaching of the people has always lain in the hands of the priests. Among the Greeks, where the life of the people and the life of the State were one, State education was in Sparta a fundamental principle, carried to its logical conclusion. Plato, who came of a good family and was revolted by the ill-breeding of the Athenian democracy, exalted the crude Spartan State as an ideal; his *Republic* is an adaptation of the Spartan system, in which the children only remain in the care of their parents until their seventh year, and are then entrusted to the State. In the more polished, fuller life of Athens, on the other hand, we see the development of a more private education; individual teachers make their appearance and are supported by the richer citizens. This was still more the case in Rome, where the family held an independent position. Here the State controlled no educational Institutes, except the

great slave schools founded by the Emperors. The slaves trained in them found a position as pedagogues in noble families, or served the State in some minor capacity. The Roman State left what remained to be done to the discretion of the great families themselves, and concerned itself not at all about the mental upbringing of the mass of the people. There gradually grew up that culture, cosmopolitan on the one hand and exclusively social upon the other, through which the Romans lost their national attitude towards the world.

The position which the Church held in the Middle Ages made it of necessity the vehicle for all popular education. The change came with the Reformation, when the modern State shook off leading-strings, attained the consciousness of itself, and took over from the Church its civilizing mission. Luther declared that it was the right and the duty of the State and the secular communities to take charge of popular education. Study of the development of national schools makes it impossible to deny that the modern State has performed its duty towards them far better than the mediaeval Church ever did. There was no question of providing them for the masses in the Middle Ages. The sons of the better classes, or the more intelligent among the children of the poor, were placed in the monastery schools to be trained for the priesthood, but the common people remained without any instruction whatever.

With the Reformation there began a rivalry of all Governments in their care for popular

education. The Universities ceased to be ecclesiastical, the old learning based upon authority was discarded, and the great secularization of our culture began. Right into the seventeenth century theologians were still bound to the letter of Holy Scripture, as philosophers were to Aristotle, and physicians to the alleged writings of Hippocrates and Galen.

Meanwhile, however, the mighty inward liberation of science was coming to pass, and it was officially recognized that its very essence consisted of innovation and research. Then the universal emulation in the fostering of educational institutions began. The elementary schools were the last to feel its influence, and in this the Protestant countries, especially Holland and Germany, led the van. Nowadays we draw a distinction between elementary education, the secondary education of the Gymnasia and the *Realschule*, and the higher walks of learning which we pursue at our Universities.

When we examine first of all elementary education, we find that the ancient Church, when she ceased to be universal, lost the power of training youth in a fair-minded manner. She can no longer stir the German spirit. That being so, the time has come to apply the enactments of our Provincial Law to which we owe the State-ownership of the schools, and no smooth-tongued hypocrisies must be permitted to bring about a reaction which shall replace our schools under the Church whose power of guiding them has vanished.

Pious people are here apt to confuse two

issues. It is self-evident that the first stages of elementary education must centre round religious instruction; that village schools should usually be denominational arises from the fact that they generally have only one schoolmaster. It is equally obvious that the lessons in Bible and Catechism must be impressed upon the children by exercises in reading and writing. Thus the whole system hangs together: the religious and secular instruction complete each other. It is clear, however, that as children are not able to distinguish shades of truth or falsehood, but only know black from white and good from bad, it is right and proper that a school should be of one faith. Controversy enters even into those elements of so-called universal history which can be taught at this early stage. The children must hear about Martin Luther and our old Fritz; already we have come upon a wide divergence in the instruction which the two creeds would give upon these points. Therefore schools where the teaching is mixed must only be founded where means will not suffice for the maintenance of two; we know by old experience that they are disturbers rather than promoters of religious peace. To hope to smooth inward contradictions by an outward amalgamation is an old mistake, made also by the enlightenment of the eighteenth century. It applies equally to mixed marriages, as any dweller in the Rhenish Provinces knows. They simply afford a convenient opportunity for the priests to gain a footing in the home and sow the seeds of discord there. It is, however, too much to

ask of Catholic parents in a country district to put their confidence in an Evangelical schoolmaster, and it is also evident that an elementary teacher will arouse opposition more readily than a man of higher education. A certain amount of higher culture is required before a man can be broad-minded, for it is only after we have examined the foundations of our own faith that we can subjectively appraise and honour the faith of others.

The point to uphold is that the elementary schools must give a positive education, which must all be grounded upon religion. Therefore the normal should undoubtedly be unity, not mixture of creeds. But this is not to say that mixed schools are always to be condemned. They are necessary in the Polish Provinces as a protection for Teutonism. There German culture must be aided to gain the upper hand, but in Poland and West Prussia a Catholic school means a Polish school. Dissenters from this view are sacrificing the real and great interest of the German nation for love of an abstract theory.

We find in our study of elementary education that every period demands certain accomplishments which are a necessary part of the equipment of every man in that age. In primitive times it was skill in arms. Therefore it was ridiculous when, in the romantic period of our literature, poets laid so much emphasis upon the bravery of the Middle Ages. It would be the same if we were to make a great boast of the universal mastery of the art of reading and

writing in the present day. Trade and commerce and the conditions of our intercourse have made it impossible for any one to pursue a civil calling without the three R's. The State could not carry on its own business if it could not reckon upon its citizens possessing this amount of knowledge. This said, the value of this marvellous attainment is exhausted; to call it culture is a modern inaccuracy, as silly as it is to talk as if the village schoolmasters of Germany had won the battle of Königgrätz.

Since elementary knowledge is indispensable nowadays, both in commercial and everyday life, the State must enforce it by the wholesome discipline of compulsory education. Here again Prussia was the pioneer. The Reformation confined its attention almost entirely to secondary education; Melanchthon's services in this sphere earned for him the title of *praeceptor Germaniae*. Elementary schools were hardly known at that time; they were first introduced on any considerable scale in the United Netherlands, although attendance was not made compulsory. It is to the undying honour of that gifted pedant, Frederick William I. of Prussia, that he was the first to introduce this measure throughout his dominions. In Gotha and Brunswick-Wolfenbüttel universal school attendance had been enacted, but the Government were unable to enforce it. Of course there was widespread opposition in Prussia as well, just as there was against training camps. People refused to send their children to school. The struggle between the Crown and the stupidity of its own

subjects set in, and it remains one of the jewels in the diadem of the Hohenzollerns to have successfully mastered the resistance of primeval prejudice. Here the State appears in its true educative capacity, using force indeed, but to enforce freedom. It had to face a struggle in every village throughout the land.

The schools themselves were, of course, of the most primitive kind. This raises a further very difficult problem, the training of teachers, which is the great stumbling-block in the path of all elementary education. At first the resources of the State were naturally very meagre, and the expedient was tried of employing retired non-commissioned officers as teachers. These old sergeants turned out to be good village schoolmasters of their own day, better, in fact, than those who have succeeded them. Any one who is not an intellectual coxcomb, and who can perceive the essential in the training of minds, will first concern himself with development of character, and will admit that this antiquated system, in spite of many technical deficiencies, was morally very efficient. The old soldiers could not teach their scholars more than they knew themselves, but when we think what kind of men those scholars became we cannot doubt that their moral influence surpassed its modern equivalent. The contented, devout, loyal, patriotic people of those days need shun no comparison with the present generation.

It is easily intelligible that to a culture intensified by the study of our classical literature these old dominies must have seemed crude

and ignorant beyond endurance. Then training colleges, recruited from the people, were established and endowed by the State, but it was soon found that the manufacturing of elementary school teachers is one of the most complex problems of education. It is an old truth that to teach well one must know more than one teaches. One must have reserves of knowledge upon which to draw before one can teach with assurance. This applies with full force to the elementary school teacher, whose acquirements must go beyond reading and writing. But where is the line to be drawn? Go beyond a certain point and you merely foster arrogance.

Another difficulty is the situation of these training colleges. With the best intentions they were placed far from the big towns, with the result that their inhabitants comport themselves as the lions of the neighbourhood. They become deluded by the atmosphere of these academies into a belief that they have entered the ranks of culture. How can an average individual settle down contentedly in his own village after this? Their incomes, too, are pitiable, and can never become comfortable. It is a *contradictio in adjecto* to expect a village schoolmaster to live in brilliant circumstances. Unclear thinking, as Jacob Grimm pointed out long ago, confused the modest service of the schoolmaster with the transcendent value of the material he works upon, which is no other than the value of the rising generation. The management of a farm requires far more strength of character and understanding than the decent

conduct of an elementary school demands. The peasant knows very well that the pastor is the educated man of the place, and pays him a respect which is not accorded to the schoolmaster.

These are the causes of the incongruous position which so many of our village teachers occupy. They rate themselves higher than the rest of their neighbours, and are ill-humoured and discontented in consequence. They have read a little of Schiller and Goethe, and think themselves wiser than the peasants, even upon subjects which the shrewd country folk know more about than they do. This is the result of that smattering of education which makes men unsatisfied and gives them a colossal self-conceit. These are the circles whence the Social-Democrats and the vulgar Radicals draw most of their adherents. The subject is the more depressing because the mushroom growth of educational journals makes it impossible to touch upon this sore point.

The vast improvement in the technique of our elementary education is the work of Diesterweg and his followers, but the influence of this same Diesterweg has also fatally promoted the immeasurable conceit of the teachers.

In the case of the higher education of the middle classes, the task of the Government was formerly simpler, because we were still all under the influence of the mediaeval classical education. It is only in our own time that a powerful body of technical educationalists has arisen alongside of the men of classical learning, who were once the only representatives of higher education.

The first-named have in many ways the advantage over the champions of classical historical teaching, above all in their utilitarian sense of future needs which is far more widespread among pupils in a technical High School than it is in the Gymnasia and Universities. This shows the necessity for making secondary education more elastic than it has hitherto been. The classical-historical and the technical instruction must fall into their perfectly natural divisions, and be conducted upon parallel lines. No one can deny that they each require a totally different attitude of mind, therefore they must be carefully kept separate from each other—a necessity which has long been lost sight of in Germany. At present, secondary schools and public schools both trespass on each other's preserves. The teachers in the secondary schools (*Realschule*), because their schools have been less long established, imagine themselves affronted when their scholars do not receive all the same privileges as the Gymnasiasts, and thus the Gymnasium eventually overlaps the secondary school, and *vice versa*. They are neither of them fish nor flesh, and we are on the verge of having our ancient learning and culture utterly destroyed, since an irresolute Government is ruled by a Press which clamours more and more loudly for a universal education upon the model of a dictionary of useful information.

Not one of the errors of modern Liberalism is more ridiculous than the idea of unified schools. It is one of the demands of that conceit of culture which has no conception of culture's true mean-

ing. Through it our century has become imbued with the idea that human education does not consist in developing a capacity for clear thinking which enables every one so trained to adapt himself independently to circumstances, but rather strives to make a walking encyclopedia of every mortal man. The ideal of our present-day geniuses is to become a glorified Meyer's Dictionary. So powerful has this notion become that it threatens to destroy the foundations of all sound instruction, and would even dethrone that systematic training of the intellect, which endows it first and foremost with the strength and elasticity to form its own judgments.

The foundation of this systematic training has always been a knowledge of the dead languages. We all know that the horse finds the gentle pace, which seems the easiest, harder to learn than any. The imagination of a child is undisciplined in the same way; this is the essence of its charm. Education must instil precision, method, law—in short, clear thinking. The Greeks trusted to the liberal arts to develop the reasoning faculty, but in a less aesthetic world the study of Art can no longer fulfil this function. In the Middle Ages the Schoolmen tried to supply the same need with their "Trivium" and "Quadrivium." The scholars of the Reformation, although less rigid in their methods, still moulded intellect upon a knowledge of the classics, and Germany owes her supremacy in learning to these schools of hers, which were unrivalled anywhere. From these narrow and apparently one-sided Gymnasia emerged the men

of deep and versatile knowledge, who adorned a former generation. If we compare the generation of which the men of my own age are the last representatives, with their juniors, we see how infinitely richer their knowledge was. The curriculum of to-day boasts a greater breadth, but is, in fact, both worse and weaker.

Now the old Gymnasia have been spoilt, and the historical-classical instruction which is the only foundation for all intellectual knowledge has been weakened or altogether supplanted by all manner of physical science formularies. This has been driven to such a point of folly that the pupils have sometimes even been compelled to study chemistry. What reason can there be for plaguing the boys with a few chemical formulae? Did not Goethe tell us that the human mind assimilates nothing which does not appeal to it? Some natures feel no desire to know how Berlin blue is manufactured. We will all pay our tribute of high respect to the really creative genius which chooses this field for its activities; but it is a barren sphere for those whose tastes lie elsewhere. A man may forget in later life the knowledge he has worked out upon his own initiative, but the mental gymnastic endures for him as κτῆμα ἐς ἀεί. It is a possession for him to the end of his days that he was able once to construe a Greek sentence out of his own knowledge. Likewise it is quite immaterial whether he still remembers what a logarithm is, the important and enduring gain for him is that he once could reckon with logarithms. It is for this kind of intellectual

training that the dead languages provide the safest and most effective machinery. Mathematics is equally useful up to a certain point, but it deals with the kingdom of pure reason, while languages embrace imagination and reason alike.

No substitute will ever be found for an education in Latin and Greek. These classical tongues have a wealth of clear inflections which modern languages have lost; English has even become so characterless that it has abolished all noun declensions. Another advantage of the dead languages is that colloquial use can no longer alter their rules, which constitute their value for training the wayward mind of youth. Then, again, Greek has the most beautiful literature that the world has ever known, and Latin possesses such a logical consistency that if an idea is to be grasped with perfect clearness it must be expressed in accordance with the rules of Latin syntax, which exclude the possibility of any confused thinking.

A classical grounding, then, has always been the foundation of any creative scientific advance among modern peoples. Germans became the exponents of the most modern ideals in literature, because for a time we surpassed all other nations in our classical education.

Now, however, we are expected to jettison it all because an uncultivated Press chooses to besmirch our public schools, and it has been reserved for our century to discover that the classics are superfluous. It is impossible to exaggerate the harm done in this respect by

contemporary publicists, who have brought us to the verge of a crisis whose issue no man can foresee.

We are reminded every day how the mechanical cramming of information is destroying not only our public schools, but our Universities as well. The work which should be reserved for the latter is often anticipated in the upper forms of the Gymnasia, by masters who are unequal to the task. The teaching of history in schools can only do harm if it is carried beyond a certain point, for it will be presented under the guise of a medley of half-baked opinions. The best results which can be hoped for at that stage will be attained firstly by stimulating enthusiasm,—there are certain great personalities in history particularly adapted to impress the mind of youth,—and secondly by awakening the historical sense which enables men to penetrate periods other than their own. Even a schoolboy can soon be taught that every age has had its own pleasures and its own moral standards, but this perception is not instilled by stuffing him with facts, but rather by allowing him to live in close intimacy with the heroes of other times. This historical sense is exactly the faculty which the good old-fashioned classical training aroused; through it the great historians of former days learnt from childhood how to identify themselves with a vanished period. But if we allow historical instruction to be carried too far in the Gymnasia it produces that satiety of the intellect which our University Professors so often have to contend with nowadays. The young men will not con-

descend to attend any more lectures on Herodotus, because they have "done him already." This stuffing of their minds has been carried to such a point that we may be certain that when a student takes a course of history he has been through it all already, and that he must devote his mind to convincing himself that, despite his seeming knowledge, he is really totally ignorant.

The natural result of this modern encyclopedic instruction is to produce specialists, instead of the widely cultured minds which were trained by the classical education of bygone days. It is only what we must expect, because people who have "done everything already" only think, if they are industriously inclined, of the forthcoming examination. They fix their attention upon that one fragment of the world's history which they desire to master, without realizing that it is but one leaf upon a mighty tree. Under the terrorism of the newspapers, and their own conceptions of culture and learning, the noble German nation is crippling itself, and setting forth upon a path of error whose final end we cannot yet foresee.

One of the first principles of all education is that it comes from above. All nations in their natural development renew their physical and moral strength from the masses beneath, but they undoubtedly derive their real culture from the classes above. The wells of knowledge must first be filled from the heights of original research before they can flow down to the lower levels.

Therefore, if secondary education is deteriorating, the root of the evil must be sought in the

Universities, and in the nineteenth century it is easy enough to find. The brilliant epoch of the Philosophers, which was the golden age of teaching, because it produced a universal culture, was followed by a specialization in science which was undeniably necessary. Specialists in philology and mathematics were trained for the Gymnasia, and they took the place of the former teachers who used to undertake the instruction of a whole class in every subject except mathematics.

Thus the source of the trouble is to be traced back to the Universities, but in spite of this there is no reason for despondency. The continued increase of specialization in knowledge must at last bring about its own destruction. Supposing that a Professor's knowledge of history was confined to a period of twenty years, so that all sense of its continuity was lost, the ultimate reason for research would vanish, and the very springs of knowledge would dry up. The superfluity of detail would have to be co-ordinated, the parts would need to be summarized into a consistent whole, and men would try once more to trace the thread of Divine reason running through human affairs, for that search is the real aim of all our labours.

The very fact that we have wandered so far in the other direction shows that the time cannot be far distant when the excess of specialization will give place to a more intelligent kind of learning. As a natural result of this transitional period the Gymnasia have abolished the old simple education which taught a man to think

for himself, in favour of the encyclopedic form of instruction. The inevitable consequence is the blasé self-conceit of our average young students. On account of the inferior teaching in the public schools it is much to be desired that they should all attend a course of lectures on philosophy. The disgracefully small attendance at the philological classes in the University is accounted for by the idea entertained by the young gentlemen that nothing remains for them to learn. Indolence may perhaps have something to do with it, but the real cause is self-sufficiency.

The appointment of the teachers is of the utmost importance for the University, and in this the German institution of private coaches is justly envied by all nations, as affording a field of free competition at the beginning of the academic career. There is another reason why our University system has been so particularly successful, and this lies in our maintenance of the principle that men of great learning should be given the preference over great teachers. This deep truth may not at once be apparent to students, for the gift of teaching, or of transmitting thought, is so widely different from the gift of creative research that it can only be a lucky accident if the two are ever found united in one person. Savigny possessed them both in a marked degree. Of the brothers Grimm, Jacob was undoubtedly the greater investigator, but the worse teacher. In fact he was not a teacher at all; he was so restless that nobody could listen to him, while William, on the other

hand, was a first-rate lecturer. There have been great men of learning,[1] like Gauss, who have never felt the need of teaching. Thus we see that natural tendencies differ widely, but if we are driven to a choice it ought to be the great scholar before the great teacher, except in the case of certain specified subjects. That is the old German principle, and our Universities have done well to abide by it, because in the long run the man who makes independent researches will stimulate his hearers to investigate with him, even if his lectures leave much to be desired. Academic education must aim at being productive ; it must force its pupils into independent lines of thought. One of the finest characteristics of youth is its ready recognition of genius, so that we may trust a real scholar to find a following, even if he lacks the conventional and external qualifications of a teacher. Our Universities should be aristocracies, therefore no professor whom we may appoint can be too good for them.

When we turn once more to the subject of the encouragement of art we must not forget that the State should go upon the principle that art is not a luxury but an absolute necessity for a nation which wishes to keep its place in the van of civilization. Democratic institutions have usually been very unfavourable to art, except in the case of a few and usually very small countries. There have been a few brilliant exceptions to this rule, notably Athens in the days of Pericles, but even the Athenians sometimes required rousing. When Pericles planned the

[1] Translator's note : "Gelehrte."

glorious temple upon the Acropolis, and the populace began to murmur at it, he declared to them that he would pay for the pediment out of his own fortune. That struck home, the ambition of the Demos was aroused, and the temple was built. What a perseverance, what a delicacy of ear and eye the Athenians possessed in matters of art! All day long they could sit and follow a tragedy or a dance with strained attention, not only without fatigue, but with passionate excitement, greeting with hisses every hiatus of the orator. So sensitive an aesthetic sense is unknown to history, except in its one counterpart of the Florentine democracy in its great days. When we read the Proclamation in which the Signoria of Florence instructed Arnolfo the architect of the Duomo to build a temple which should be greater and more splendid than any other in Tuscany, we see how politics can be instinct with enthusiasm for art. We see it also in the artistic follies of the Italian communes of that date; every town wants to have its own style of architecture, in order to outdo its neighbour. The people of Florence were aroused to a storm of indignation when artistic finish was found lacking in a statue of the Madonna put up in a public place.

These two democracies, however, are the two exceptions to the rule that aristocracies and individual rulers, if they have any aesthetic gifts at all, do the most to promote art. Modern Parliamentarism also displays a stupid indifference towards its duties in this sphere. This is why it is so difficult to get Parliament to sanction

the necessary outlay for artistic purposes. Let us remember with shame the debates over our new Parliament House. We had expended millions and millions in making it an ornament for the Empire, when suddenly we were told it was too expensive, and stucco and imitations were to take the place of marble for its interior decoration. It is part of the trend of our age towards the second best. We must maintain that a State which fails to regard the encouragement of art as one of its essential duties has no claim to be called civilized.

In the historical development of the public protection of art, we find that it figures quite naturally as one of the duties of the State in ancient Athens. Because Church and State were here one, and because places of worship will be decorated so long as mankind possesses the ideal sense at all, the architecture of public buildings was at once both a secular and a spiritual concern. Polytheism, with its wealth of brilliant figures, offered that rich choice of types and symbols which is an essential requirement of all Art. The Greek theatres were made splendid because in their primary function they were the temples of Bacchus.

Later, when Rome had become the capital city of the antique world, a public of really refined artistic taste gathered there from all parts of the Empire. Thither came the connoisseurs and the purchasers, and there too came a crowd of Greek artists, to set forth the old ideals under a new guise. Since when have we been able to distinguish between Roman art and the art of

ancient Greece? Our own century has been the first to perceive the deeper and more genuine beauty of the work of the age of Pericles. It is a tribute to the wonderful endurance of the artistic power among the ancients that the difference should have gone so long unperceived. An important characteristic of aesthetic life in the ancient world is that wealth was so much oftener used for the common benefit than it is to-day. Every rich Roman presented works of art to the Theatre or the Baths. In Pompeii private persons built and rebuilt entire temples or theatres—and their statues were placed in the great Theatre in token of gratitude.

In the Middle Ages, art took the form of those Associations, or Guilds of Handicrafts, which are so characteristic of that time. They proved how art flourishes upon the fertile soil of craft, and this is a fact which will never be lost sight of in a healthy aesthetic development. It is well known that old Rauch was always rather reluctant to accept art-students as his pupils, whereas he welcomed iron-workers and stone-masons, as being familiar already with the rudiments of what they came to learn. Art must always rest upon a foundation of craftsmanship.

Artists soon ceased to be satisfied with merely learning their technique from a Master; they desired also to probe the principles of aesthetics. Leonarda da Vinci and a few others were the first who attempted to give their pupils a scientific as well as an artistic education. This marks an important step in the development of modern art. Schools for painters were instituted in

Italy—such Academies as that of the Caracci at Bologna in the seventeenth century. Then, in the reign of Louis XIV., the galleries of the Louvre were opened. Hitherto works of art had been designed to meet specific individual requirements; a church was to be decorated, or an audience-chamber adorned. Now, however, they were exhibited for their own sakes, and a critical public flocked at once to Paris, and recognized the gems in the store of beauty. Almost at the same time two French Academies of art were founded: one in Paris and one in Rome, but in its attempt thus to direct artistic education the State committed one deadly sin. Not content with training students in the theory and practice of art, it tried further to guide them towards a specific ideal. This is a contradiction in terms. If liberty exists anywhere, the ideals of art and science must be free. Academic teaching was positively harmful as long as it tried to instil a particular style. When we walk through the galleries of Schleissheim near Munich, where the rococo portraits hang in rows upon the walls, we seem to be wandering through avenues of ghosts. All of them are on the same model; all of them have their mouths set in the same silly smile.

The instruction in these Academies, undertaken and directed by the State, is closely connected with the establishment of Art Galleries. It is not always possible to pronounce a general judgment upon the functions of these latter. Evidently their influence cannot be that of the studio; their object rather is to present examples

of every style and period. Their uses are far more to familiarize the public with the history and development of art, which is very necessary in the barbaric north. Schinkel has already pointed out that this is undoubtedly their most direct sphere of usefulness.

Throughout the whole of the eighteenth century the State tyrannized over art by imposing a prescribed taste in the Academies, and the inevitable decay followed. Then for a short period Napoleon I. recalled the great days of Louis XIV. Totally lacking the aesthetic sense himself, and Philistine in the last degree, Napoleon conceived himself obliged to plunder every nation of its masterpieces, and to compensate his people for their lost liberty by giving them artistic treasures beyond all compare. Paris was filled with a cosmopolitan public of the most sensitive taste and keenest judgment, and, artistically speaking, we owe much to this accumulation of stolen works of genius. Now for the first time the greatest pictures by Raphael could be compared with one another in the same place, and connoisseurs could form their judgment that their painter is unique. Naturally the opportunity was fleeting, for the impudent robbery could not be allowed to be permanent.

In quite recent times the State has learnt that it cannot lay down canons of taste, and contents itself with the more modest task of providing studios where artists, whom it deems worthy, can train their own pupils. For the rest, it merely provides the elementary training for rising talent. There are still other ways in which its interference,

clumsy as it is, may do good, inasmuch as it expends large sums upon enabling artists to travel, and is as a rule the only means through which the great monuments can be set up. Creatively it can do very little; its main object must be to discover genius. Next to Frederick I., Frederick William III. has been the great Maecenas among the Hohenzollerns. The architecture of Berlin is determined to this day by the work of Schlüter and Schinkel. Frederick William was not really an artistic nature; he had good taste, but no very strong aesthetic feeling. A happy fate sent him men like Schinkel and Rauch, who only required their opportunity. This is the reason why so much good work was done under his protection. It is impossible to think too highly of the Old Museum in Berlin. Its pillared hall was an inspiration of genius to overcome the immense difficulty of designing a building to balance the huge bulk of the Castle beside it.

Truly at that time the most scanty means produced great results, because there were artists at hand to do it. Frederick William IV., on the other hand, himself a skilled and talented draughtsman and modeller, did little for art, in spite of his expenditure of money upon it. He had no artists of genius, with the exception of old Rauch, whose last good work was done in his reign; moreover, he could never resist interfering with those whom he employed. He was for ever designing churches which looked very well upon paper, but are less satisfactory in actuality. Thus it is clear that no aesthetic

enthusiasm in the ruler can produce results in art unless the right artists are forthcoming.

Our art of to-day stands, like our education, in an eclectically critical attitude towards the world at large, and is in imminent peril of complete stagnation. We see the danger in our lack of instinct for inventing symbols, and creating fixed types; we have too few figures which are familiar to every one. Father Rhine is one of the best known, but our most modern art has exchanged him for a Fräulein Rhine, with the appearance and bearing of a Berlin barmaid. True art requires, above all things, simplicity, and a pure and direct style; it perishes among such trickeries as these, which are always trying to imagine something new.

Our summing up must be that the State may not meddle with the inner life of art, which has an existence of its own, separate, robust, and independent of the will of the State.

XII

POLITICAL ECONOMY

We must now examine the last of the great tasks of civilized Society in its relation to the State, namely, in political economy. I shall be brief, firstly, because the whole life of the State is full of economic forces, and we shall refer in every section of our study of the Constitution to questions of political economy; and secondly, the subject has long ago been divided into a number of different heads, so that a condensed survey is not possible here. We will therefore merely indicate a few principles which guide the State in its treatment of economic conditions.

To start with, it is clear that the external life of the State is more nearly affected by its attitude towards political economy than it is by its relations to religion, science, or art. In all periods the State has exercised more influence over the economic life of nations than over those more cultured spheres of activity. Yet even here we must beware of over-estimating its creative power. It would be foolish ever to pronounce the State economically unproductive, for without it and its law no business could be carried on, and there could be no property

or security of property. From the purely private economic standpoint the taxes imposed by the Government are a burden; the individual producer is fully justified in counting them part of the cost of production, and he will strive to get them made as small as possible. We must remember, however, that the nation pays taxes ultimately to itself, and the question is whether the price we pay is too high for the strong army and the just administration which we get in return.

On the other hand, it is equally clear that the most important actions of the State cannot be valued by economic standards. The State does not exist for the purpose of producing money's worth. Its work, like all work which is spiritual and moral, is above price. Such ideas are much too high to be estimated by a money standard. An artist may sell his pictures, but no one can say if the price received represents the value of his aesthetic work. Neither can the value of the State's activity be judged by its concrete results, be they favourable or the reverse.

The State's action can rarely be directly creative, even in economics. I have already called attention to the Stein-Hardenberg Agrarian Legislation at the beginning of the nineteenth century. It is the custom to say that it created a free peasant class by a re-distribution of property; we use these expressions loosely in conversation, but they are not correct. By these agrarian laws the Prussian State removed the obstacles which prevented such a class from arising, but the proportionate prosperity of

these peasants is due to their own energy; in any other nation the same legislation would have produced quite different results. The State can do great things in protecting, guiding, and opening new paths for economics, but the actual creative work is done by Society alone.

Secondly, it must be borne in mind that the course of historical evolution sweeps economic life also into the region of perpetual change. This truth was long overlooked, because the question of property is so intimately associated with the subject of economics. The Roman view of property, which because Roman occupies so large a place in history, was adopted with all its peculiarities of inflexible rigidity by the exponents of the theory of Natural Law, and further expanded with all the weapons of philosophical dialectic, until it was made to appear a *ratio scripta* as immutable as the world itself.

Man has never been able to do without some legal relationship towards property; we can still trace the impulses which have given rise to the great legal principles which control economic life. The conception of property is the direct outcome of the conception of the ego. Just as the expressions "mine" and "thine" occur in every language to indicate ownership, so the consciousness of self contains the consciousness of property. The most trivial experiences prove how it is only by his mastery over the objects which surround him that a man can assert and develop his own individuality. What is the origin of the commonest instruments which men

devised to serve their most immediate necessities ? The hammer is nothing but an iron fist, the spoon is copied from the hollow hand, in fact the most primitive articles of property are only auxiliaries to the bodily limbs. Hence property is no arbitrary idea, but is founded in man's natural impulse to extend his own personality. A human being literally without property abandons his individuality, as does the monk when he renounces himself ; no genuine human existence is thinkable if divorced from every form of property. When Lassalle maintained that property is only a historical, not a logical category, he uttered a sophistry, for it is both. It is a logical necessity, but set up in the process of time, and consequently liable to change. It has no absolutely invariable form ; in the last resort the State must be the judge of the conditions under which it will best express the legal instinct and satisfy the economic requirements of the nation.

I have already pointed out that, broadly speaking, a primitive communism of property preceded the freer form of private ownership. In early civilizations, such as the nomadic peoples knew, the land was considered as belonging to all alike. When the tribes of wandering herdsmen learned to cultivate the soil, the right of individual ownership was recognized in proportionate increase to the growth of agriculture and permanency of settlement upon the land. The history of the German homestead is very instructive. The possessor of the homestead had firstly the sole possession of house and

curtilage; secondly, a limited ownership in the tribal land, which he might only cultivate under the supervision and with the approval of the community, and in accordance with the prescribed rotation of crops; and finally he had his share of woodland and pasture, which were not divided, but remained the allodial property. The peasants are imbued to this day with the old communistic notions which refuse to recognize a law of trespass in the woods; hence their proverb:

> Dem reichen Wald es lützel schadet,
> Ob sich ein Mann mit Holze ladet.
>
> To forests rich the loss would not be cruel,
> If some poor man should gather loads of fuel.

With the growth of civilization this common ownership was often found impracticable, for the very practice of joint usage soon gave the strong so great an advantage over the weak that the State finally was compelled to readjust unfair divisions of property. This interference on the part of the State is perfectly justifiable, for all private rights of ownership are subject to it, since without its protection we could call nothing our own. Moreover, the historian cannot conceal from himself that certain gigantic upheavals of property have been wholly beneficial to mankind. Who is there to-day who would condemn the secularization of the Church's goods in the sixteenth century, which relieved the Church of worldly possessions contradictory to its real spirit, and at the same time furthered the nation's economic prosperity?

The public good may require that the procedure which was possible and necessary in the case of the Church should be equally applied to the private ownership of land and capital. Much may be learned from studying the different methods pursued by France and Prussia in ridding themselves of the burdens of feudalism. In France they were abolished without any kind of compensation; in other words, a robbery was committed. The result was that the real estate came into the possession of highly undesirable persons. Contrast with this the Prussian agrarian laws, which adopted, indeed, the principles of the French Revolution, but offered a just compensation to the ancient owners. When Lassalle draws his deductions from the perfectly correct premise that acquired rights are not absolute, he entirely overlooks the fact that the State is not justified in the sudden arbitrary abolition of all that has gone before, or in pronouncing reason to be folly, and benefits burdens. On the contrary, when the State suppresses a just right it must recognize the claim to compensation.

We have already seen that the State cannot be an agent of direct economic production. It is, indeed, much more difficult for it to influence production and consumption than to direct the partition of goods. To alter the time-honoured customs which govern consumption is as hard as to direct production into new channels. These matters are influenced far more directly by the free forces of society than they ever can be by the State. On the other hand, the State has a

good deal of power over the division of property. Here I revert to my former statement that the ideal is in no wise to be sought in an even approximately equal apportioning of wealth. The material resources of mankind are far too small to secure even a modest competence for all if they were equally divided, therefore the ideal could never be realized even in England with all its riches.

Even theoretically such a notion is incorrect. The sound foundations for national well-being are not laid upon an equalization of wealth, but rather upon that co-existence of small, medium, and large incomes which develop its material and moral strength in all directions. There must be people of very slender means, lest the supply of labour, upon which we depend for the satisfaction of our physical necessities, should fail. Middle classes we must also have, for they are the real kernel of the nation and the bulwark of the State. Medium wealth does not suffice, however, for the great undertakings upon credit, and the mighty industrial enterprises of our time which require great capital sums under one control. A large amount of capital in the right hands is as requisite for economic production as is a working class to whom employment is a necessity. We know already that the conception of Want, although fortunately it is relative, can never vanish altogether.

These truths are unpopular with the present generation, but they must ever be repeated anew, for it remains a fact that there can be no civilization without servants, night-watchmen,

etc. Therefore even theorists must contemplate with approval placing a certain number of persons in a position which makes the posts of servants or night-watchmen desirable objects of ambition. No one can be too blind to perceive that this is so, and that so it will remain. For this reason all the chatter about an equal distribution of wealth is topsy-turvy, because with each tick of the clock men are dying and being born, and still more because no standard can ever be found whereby this equal division could even approximately be measured.

The same applies to the celebrated doctrine, which has been advocated even by intelligent political economists, that goods should be distributed according to virtue and deserts. This is absolutely and utterly undesirable, apart from the fact that it is impossible to carry out, since the caprice of fortune bestows great wealth upon the wise and the foolish, the good and the bad alike, and there is therefore a perpetual movement to and fro of the social scale. The notion has the appearance of idealism, but it is really only an emanation from our modern materialism, which holds that all that is beautiful and worth having is contained in visible wealth.

A glance at the moral ordering of the Universe shows us that God gives no external reward to virtue in this present life. Christianity has discarded the materialism of the Old Testament dictum, "For it shall be well with thee, so long as thou livest upon the earth." If virtue were to receive its reward in this world the highest virtue would exist no longer. To lay

upon the State the obligation of dispensing moral rewards and punishments would be to place it in antagonism to ethical design. The poor man finds his solace in the thought that "Fortune in giving gifts to man has no respect for his deserts."

Is the State, then, to bring home to him his own share of blame in his distress, because he is a scamp and the rich are virtuous? We are much nearer the truth when we say that the purest forms of human virtue flourish in the lower strata of society, and cannot be transplanted to suit the exigencies of theory. Feeble indeed is the thought behind the theory which links freedom with success. There will always be capable men with undeniable vices, for the gift of leadership does not always coincide with what is commonly called virtue.

We must remember, further, that efficiency in economic life depends primarily upon personality; the character of the individual has been its foundation always. The State must therefore limit itself to breaking down the barrier of inheritance which bars the road to talent, by making it easy for talent to consort with men whose wealth has been handed down to them, but the system under which they have acquired it the State may not disturb. The law of inheritance places the most various kinds of people in possession of great wealth; the capable and the incapable, the spendthrift as well as the miser; and through the sinking of the inefficient to a lower level, place is made for the efficient to ascend. So in the end it is nothing

less than the apparently unjust inheritance system which offers to talent the place which it deserves.

We shall look in vain for a fixed standard whereby to appraise property. The worth of different objects is measured by the requirements of society, not by any abstract calculation of their value in relation to each other. The State should take no notice of the working of the law of supply and demand, unless whole classes of the population are suffering from the effects of a disproportion between the two. While protecting the existent dispositions of property, it must take care that the gulf between the heights and depths of society does not become dangerously great, and that the lower classes are not exploited for the benefit of those above them. It is very difficult to prevent this entirely; it has happened in some form or another at all times, but on the other hand there has also been a generous mutual exchange, a give and take between high and low. Who is it that makes a comfortable existence possible for the poorer classes? Undoubtedly it is their social superiors, with the legislation, order, and security which they introduce.

I have already shown how it is nothing but a catchword of demagogues to talk of the disinherited classes. Who has disinherited them, and what was their former heritage? The phrase is inaccurate, if only in view of the fact that periods of social calm preponderate in history over periods of unrest, which are always transitory. This being so, the masses have

evidently been content throughout the centuries with the modest circumstances of their lives, and the historian has no right to import modern standards of happiness and well-being into his judgment of earlier periods whose ideals were utterly different. This applies especially to slavery in the ancient world. If we judge this class by the quaintness of their humour, we may assert that the Athenian slave in the hands of a fairly good master was quite as well off as the factory worker in our midst to-day.

Our free working class undoubtedly presents a social problem unparalleled in history. Their lives are one long contradiction, because their legal freedom stands in so great a contrast to their bondage to material necessities. By no legal right, and yet by the very nature of the case, factory labour becomes for the individual *glebae adscriptio.* A factory population is as tyrannically bound by the conditions under which it lives as ever it was in the days of serfage. Furthermore, since the human spirit can no longer endure the old bondage of those days, the so-called Fourth Estate is placed in an extremely difficult position. Riehl overstated the case when he defined it as poverty become conscious of itself, for this is an exaggeration of the influence of economic considerations in human life. There are other forces at work in society, the moral forces of honour and culture, which are as important as those of economics. We must, however, admit that the class-consciousness of poverty has been nourished by unscrupulous demagogues into a deep and unhealthy sen-

sitiveness. It remains for us to try to discover whether these distressing conditions are as really rooted in the essential conditions of modern society as the demagogues maintain.

Here once more we are confronted with Lassalle and his devilish art of turning truths upside down and changing them into lies. If wages sink permanently below the minimum required for the necessities of a family the result must be that the wage-earners either die out or decamp; the supply of labour will decrease until a rise in price once more brings remuneration to the necessary minimum. This is Ricardo's axiom, which undoubtedly contains a kernel of truth. Lassalle, however, forged it into an iron law; he declared that the wages of labour must always remain at this lowest level. On the face of it this is a monstrous lie. Ricardo only said that wages could not fall permanently below a certain level; he never asserted that they could not rise above it. It is to a certain extent in the power of the workers themselves so to arrange the circumstances of their lives that their wages can no longer drop to the old minimum; and if a working class is intelligent, and does not waste all its opportunities in the beer-shop, but turns them to the improvement of its standard of living, the price of labour will keep up to the standard it has attained. In my young days the labouring class in Saxony still went barefoot; now it is quite otherwise, for new and better habits of living have come about and wages have had to keep pace with them. The possibility of thus compelling higher

remuneration by a better way of living is a certain compensation for the hard conditions which often surround the existence of the working man.

Another aspect of the labour question in the present day is whether the ideal of Lassalle and Marx, that the worker should be guaranteed a share in the profits of the industry, is just, and whether, if realized, it would be for the benefit of the workers themselves. This much is clear, that if the workman shares in an undertaking he must also share the risks and losses, in which case an interest in the whole business stands in his name; but if he refuses to take the risks he limits himself to the acceptance of a fixed wage, which must under all circumstances be paid him even if it involves loss to the employer. This is how the question stands, and there is no doubt that in most cases the workman prefers the fixed wage to the share in profits which may turn out to be losses as well. Therefore the wage system is not only the most just, but the best liked and the most comfortable. This does not exclude the possibility of a percentage to be given upon the product of more skilled labour, where profits depend to a great extent upon the personal efficiency and adroitness of the workmen, but this is an exception which certainly does not apply to the ordinary labourer.

When all these circumstances have been carefully considered we shall not be of opinion that the future holds much in store in the way of co-operative industrial associations. Herr Schäffle, indeed, gives a very attractive picture of them,

and speaks as if they involved no very radical change in existing conditions. But the most important industrial undertakings are the very ones which require a single individual at their head. The importance of personality has been misunderstood in economics as elsewhere from the time of Gervinus onwards, and it has been still more misconstrued since his day. The true Berlin Cockney shakes with annoyance when he has to submit himself to anybody, and this is the feeling which gives rise to the delusion that our industrial life can progress by itself, without any direction by intelligent and able men. Eventually it will be recognized again that the individual brain is absolutely indispensable to the success of any business undertaking. When it is only a question of regularity, punctuality, and carrying on the work upon lines already laid down, an Association can manage the affair as well as the individual could do; but when there is need for a rapid speculation, and for the sure instinct which seizes the exact moment for action, then the single judgment, which will take all responsibility upon itself, will always have the advantage. This being so, it is not probable that co-operation will ever play a great part in economic life.

Bismarck, with his usual astuteness, saw that the weak spot in the existence of the modern working man was the insecurity of his means of livelihood. He took the first step towards remedying it and providing a possibility of sound social development for the working classes when he instituted the system of health-insurance.

The modern State must exercise more watchfulness than ever over the poor and the weak. It cannot prevent the alterations in economic conditions which depend upon the circumstances of the world's markets; but it can do an immeasurable amount for its own internal economy by means of a commercial policy which protects the nation as a whole against the foreigner. Many and various have been the fluctuations of economic experience in the nineteenth century. During its early years the complete liberty of commerce was the ruling idea. All the leaders of the Reform party in Prussia, however much they might dispute upon other points, were Free-traders up to the point required by the State for its self-maintenance. Free Trade was necessary to give practical training to the newly liberated forces of labour. Presently, however, it revealed quite unsuspected dangers; a competition was let loose of a strength undreamed of hitherto. In my youth it was still an article of faith that a nation of a certain measure of civilization should allow free ingress to raw materials, because it required them for its own use; while on the other hand it should protect itself against the manufactured goods of other nations in order to support its own. Then suddenly all this was changed. New facilities of communication brought products from America and the interior of Russia into competition with Western Europe, since which time all the supposed laws of Nature were turned upside down, and people learned to be more careful about applying the expression "natural law" to the world of

intellect. It all arose from a certain combination of historical circumstances, and now the countries of Europe are obliged to protect themselves against the competition in raw materials of nations less civilized than themselves.

This is the light in which we must envisage the protective Tariff. To-day we have cast aside as a prejudice that axiom which declares the protective Tariff only necessary for the defence of young nations. As a matter of fact it is far more needful for the long-established industries. The history of Italy under the Republic and Empire of Rome affords us a terrible warning of its necessity. If protection against the import of corn from Asia and Africa had been introduced at the right time the old Italian agricultural class would not have perished, and social conditions would have remained healthy. Instead of this Roman merchants were suffered to buy the cheap African grain, thus bringing distress upon the peasants of Italy and causing the incredible state of affairs which made a desert of the Campagna, the very heart of the country, and encircling the capital city of the world.

Facts of history such as these must be called to mind if we are to judge calmly amid the disputes which rage around these questions. The State has so great an interest in securing cheap bread for the mass of consumers that it is obliged to maintain a strong peasant class. For modern Germany it is especially important, because our peasants undoubtedly form the backbone of our army. Here we have the advantage

over England, which has no peasant class at all, and over France, where it is too weak. One of the greatest obligations laid upon our State to-day is to prevent this infinitely valuable class from vanishing before the advance of the factory population.

The State will have to concern itself in the near future with the still more important problem of the undue power of the great capitalists, with all its terrible consequences. Wealth such as the house of Rothschild possesses must be a public calamity under all circumstances. There can be no possibility of spending the whole of the income, therefore the capital increases rapidly, and, what is still worse, these vast riches are chiefly cosmopolitan, and contribute very little to the furtherance of national well-being. We can see on every side the gradual sapping of national prosperity through these colossal fortunes, and continual accumulation of money in unworthy hands; these are phenomena which open a very dark perspective for the future. It is very possible that the State may some day be obliged to step in to prevent such unnatural accumulations of capital.

Great amalgamations of capital have their dark side no less. The principles which govern our Company legislation conceal many pitfalls for the integrity and morality of the persons concerned. Most shareholders understand none of the technicalities of the undertaking which they help to start, and are therefore very easily deceived by a dishonourable and cunning Board of Directors. Moreover, it is a bad principle

which makes the individual responsible only to the extent of the small portion of his fortune which he has invested in the undertaking. Nevertheless we must not underrate the value of Joint Stock Companies in enabling the small capitalist to share in the benefits of industry on the large scale. We have already seen that an industry which is much exposed to the fluctuations of the market requires above all things a strong, capable man at its head, but undertakings which can proceed steadily upon their way, more or less independently of markets rising or falling, as railways for instance can, are eminently suitable for association in the form of Joint Stock Companies.

The headquarters for the amalgamation of capital in modern days is the Stock Exchange. Its present way of existence will have to be cut short at no far distant date. Even the shameful experiences which we have just passed through once more in Berlin [1] have not sufficed to impress the need for interference upon the corrupt mind of modern society, which is itself to a large extent responsible for the corruption of the Stock Exchange. The time will come, however, when legislation will intervene ruthlessly, and when that day dawns dealing in options will be abolished straight away. We may lay down as a principle for the reform that the Stock Exchanges must be organized into corporations under the control of an official of the State, and must conform to stern fixed rules on pain of expulsion. The corporate sense of honour of

[1] Lecture delivered in January 1892.

our great mercantile profession must impel them to the duty of driving out any black sheep from their midst.

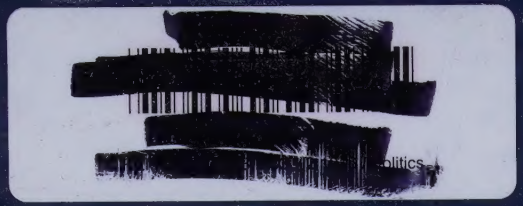
I must content myself with these short and disconnected remarks, so that we may now proceed to the study of Constitutions historically considered.

END OF VOL. I

Printed in Great Britain by R. & R. Clark, Limited, *Edinburgh.*

Yale Canon Library
194411
REMOTE JC 233 .T83 v.2 1916 / Politics

18543
JC
233
.T83
vol.1
Treitschke, Heinrich
Politics
5/23/51

DATE	ISSUED TO
APR 9	[illegible]
MAY 21	R. Vermeer

18543
JC
233
.T83
vol.1
Treitschke, H.
Politics